



LOS ANGELES UNIFIED SCHOOL DISTRICT

Board of Education Report

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| Report Number: | 140-10/11 |
| Date: | January 4, 2011 |
| Subject: | Approval of the Amendment (material revision) for KIPP Empower Academy |
| Responsible Staff: | |
| Name | José J. Cole-Gutiérrez, Director, Charter Schools |
| Office/Division | Innovation and Charter Schools Division |
| Telephone No. | (213) 241-2487 |

BOARD REPORT

Action Proposed: Staff recommends the following action:

Approve the amendment (material revision) for KIPP Empower Academy. Prior to the Board approval of the charter amendment, KIPP Empower Academy must have resolved any pending issues in the amendment review process and submitted any requested materials. Should KIPP Empower Academy not comply with this requirement, this board item will be withdrawn from the agenda.

Background: Staff of the Innovation and Charter Schools Division recommends the approval of the amendment of KIPP Empower Academy to amend the following charter provisions:

- Element 4 – Governance (number of meeting times and committees)
- Element 8 – Admissions preferences
- Element 10 – Student Discipline

Please see the attached material revision amendment for further information as to the rationale for this recommendation.

KIPP Empower Academy was granted its current charter on March 23, 2010 for term of five (5) years to begin on July 1, 2010 as a K-4 program approved by the LAUSD Board of Education. The school site located in Board District 3, Local District 1, at 7511 Raymond Ave., Los Angeles.

Expected Outcomes: KIPP Empower Academy is expected to operate its charter school in a manner consistent with local, state, and federal ordinances; laws; and regulations; and the terms and conditions set forth in its petition.



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- Board Options and Consequences:** “Yes” – The approval of the amendment of the charter would give KIPP Empower Academy the right to operate as a charter school under the terms of the amendment for the final three (3) years of a five-year charter.
- “No” – The denial of the amendment of the charter would cause KIPP Empower Academy to continue operating under the terms of its current charter unless KIPP Empower Academy appeals the denial and the appeal is granted by the Los Angeles County Board of Education or California State Board of Education.
- Policy Implications:** The Policy for Charter Schools adopted in 2010.
- Budget Impact:** State Revenue Limit income and various other income sources to the District are reduced when current District students enroll at a charter school, and comparable or offsetting expenditure savings may not occur in such cases. Under Education Code section 47604(c), a school district that grants a charter to or operates a charter school that is formed as a non-profit public benefit corporation is not held liable for the charter school’s debts or obligations as long as the school district complies with all oversight responsibilities. The District will continue to have monitoring and supervisory responsibility for charter school finances, as specified in the Charter Schools Act. Any modifications to the charter school’s petition or operations with significant financial implications would require District approval prior to implementation. Petition approval is also contingent upon adequate liability insurance coverage.
- Issues and Analysis:** If all pending issues are not resolved at the time of the Board meeting, the Office of General Counsel will recommend the denial of the material revision.

Attachments:

- Informative
- Desegregation
Impact Statement



LOS ANGELES UNIFIED SCHOOL DISTRICT

Board of Education Report

Respectfully submitted,

APPROVED BY:

RAMON C. CORTINES
Superintendent of Schools

MICHELLE KING
Chief of Staff

APPROVED & PRESENTED BY:

REVIEWED BY:

JOSÉ J. COLE-GUTIÉRREZ
Director, Charter Schools
Innovation and Charter Schools Division

DAVID HOLMQUIST
General Counsel

Approved as to form.

YUMI TAKAHASHI
Budget Director

Approved as to budget impact statement.

**AMENDMENT TO CHARTER OF
KIPP EMPOWER ACADEMY CHARTER SCHOOL**

This Amendment to the Charter of KIPP Empower Academy Charter School (“Amendment”) is made between Los Angeles Unified School District (“District”), a California public school district, and KIPP Empower Academy Charter School (“Charter School” and/or “KIPP Empower”) **a California non-profit corporation.** This Amendment is to be read in conjunction with and shall expressly amend the Charter of KIPP Empower Academy Charter School approved by the Los Angeles City Board of Education on **March 23, 2010.** The effective date of this Amendment is the date of approval by the Board of Education. This Amendment is effective through **June 30, 2015,** upon expiration of the current charter.

RECITALS.

A. WHEREAS, Charter School agrees to amend its Charter, and where required, its Bylaws, to reflect changes to the Charter as noted below.

B. WHEREAS, District and Charter School jointly agree to amend certain provisions of the Charter to reflect District policy and applicable state and federal laws, statutes, and regulations.

NOW, THEREFORE, the parties hereby acknowledge the adequacy of the consideration given for this Amendment and, notwithstanding any provision to the contrary set forth in the Charter, the parties hereto expressly agree as follows:

1. Element 4: Governance Amendment

Pages 79-80 of the charter under section “Roles and Responsibilities of KIPP LA School Board Members” beginning with “KIPP LA School Board will include several committees...” to bullet on “Audit” shall be deleted and replaced with the following:

“The KIPP LA Schools Board will include several committees designed to enhance the operation of the board and provide additional oversight. Membership in committees will not be limited to members of the full board of KIPP LA Schools. Other representatives will include, but not be limited to persons with expertise in committee areas. For example, a member of the business community with corporate audit experience might join the Audit Committee, but not be a member of the Board of Directors. Committees shall not be less than two members and no more than 10. No more than forty-nine percent of the number of board members will sit on any one committee. Several subcommittees are planned to be instituted including:

- Finance. The Finance Committee will review and recommend approval of the annual operating budget to the full board, regularly review and monitor financial results, ensure the maintenance of an appropriate capital structure; and oversee the management of financial assets.
- Governance. The Governance Committee will ensure the constant health and effectiveness of the full board and the work it performs for the organization. The committee focuses on board evaluation, composition, recruiting, nominating, training and education.

- Audit. The Audit committee will oversee accounting and financial reporting processes including internal controls, and will retain and oversee the school's annual fiscal audit.
- Student Disciplinary Procedures. The Student Disciplinary Procedures committee will oversee the due process for student suspensions and expulsions.”

2. Element 8: Admission Preferences

The first paragraph under section “Lottery” on page 101 of the charter shall be deleted and replaced with the following language:

“If the number of applications to enroll exceeds the capacity of a grade level, a random selection process (lottery) will be conducted to assure that all applicants an equal chance of gaining admission. First preference will be given to students who reside within the LAUSD boundaries. Second preference will be given to siblings of enrolled students. Third preference shall be given to children of KIPP LA employees so long as the number of students does not exceed 5% of available student seats.”

3. Element 10: Student Discipline

The entire element shall be deleted and replaced with the following language:

“Student discipline

Throughout the country, KIPP schools have been extremely successful in the teaching and overseeing of appropriate student behavior. From the initial setting of expectations (such as with the Commitment to Excellence and an introductory summer session) through the schools’ consistent reinforcement of student standards, KIPP students are constantly acculturated to values and expectations. KIPP Empower Academy will create a school environment in which inappropriate behavior is recognized by teachers, parents and students as harmful to the interests of all and, therefore, not acceptable.

In addition to the expectations for KIPP students that are included in the school’s orientation materials, KIPP Empower Academy will set forth a code of conduct in its Student and Parent Handbook. This code will provide a detailed outline of expectations and prohibited conduct that could result in a suspension or expulsion. By utilizing a range of progressive disciplinary options, KIPP Empower Academy will curtail misconduct before there is a need for more serious sanctions. Potential actions include (but are not limited to):

- Additional assignments to be completed at home and/or at school, overseen by teachers and/or grade level leaders
- Parent meetings with teachers and/or grade level leader
- Mandatory study hall during and/or after school (with notification to parent(s)/ guardian and overseen by grade level leader
- Loss of incentives or privileges
- Calling plans (requiring the student to call teachers to notify them of homework completion)
- Daily conduct log (in which a student is required to get teacher acknowledgement of appropriate behavior after each class)
- In-school suspension plans, providing opportunity for the teachers or Principal to meet with an individual student to discuss misconduct and to

determine appropriate consequences

- Written apology for misconduct
- A “Daily Choices” sheet that documents in real time student decisions in relation to the values of the school. Problematic choices can quickly be identified and addressed.
- Public statement of accountability for misconduct
- Disciplinary probation with notice to parents and explanation of required improvement
- Study teams, resource panel teams, or other assessment-related teams
- Peer presentations of personal improvement plan
- Referral to school counselor, psychologist, child welfare attendance personnel, or other school support service staff

Corporal punishment shall not be used as a disciplinary measure with any student. (Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student.) This commitment by KIPP Empower Academy does not limit the rights of KIPP Empower Academy employee to use force that is reasonable and necessary to protect the employee, student(s), staff or other persons, or to prevent damage to school property.

Statutory Grounds for Suspension and expulsion

Students will be subject to discipline for misconduct occurring a) 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 returning from a school-sponsored activity.

Enumerated Offenses. The following acts are identified in the California Code of Education as grounds for student suspension and expulsion:

- *Physical Injury*: Caused, attempted to cause, or threatened to cause physical injury to another person (Ed. Code 48900(a)(1)) or willfully used force or violence upon the person of another, except in self-defense. (Ed. Code 48900(a)(2)) A violation can require notification to police.
- *Weapons, Explosives, Dangerous Objects*: Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal. (Ed. Code 48900(b)) Notification to police may be required.
- *Controlled Substances/Alcohol*: Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind. (Ed. Code 48900(c)) Notification to police may be required.
- *Substances in Lieu of Controlled Substances*: Unlawfully offered, arranged, or negotiated to sell any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance,

alcoholic beverage, or intoxicant. (Ed. Code 48900(d)) Notification to police may be required.

- *Robbery or Extortion*: Committed or attempted to commit robbery or act of extortion. (Ed. Code 48900(e)) Notification to police may be required.
- *Damage to Property*: Caused or attempted to cause damage to school property or private property. (Ed. Code 48900(f)) Notification to police may be required.
- *Theft of Property*: Stole or attempted to steal school property or private property. (Ed. Code 48900(g)) Notification to police may be required.
- *Tobacco*: Possessed or used tobacco, or any product containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products. (Ed. Code 48900(h))
- *Obscenity/Profanity*: Committed an obscene act or engaged in habitual profanity or vulgarity. (Ed. Code 48900(i))
- *Drug Paraphernalia*: Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code. (Ed. Code 48900(j)) Notification to police may be required.
- *Disruption/Defiance*: Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, or other school personnel engaged in the performance of their duties. (Ed. Code 48900(k))
- *Received Stolen Property*: Knowingly received stolen school property or private property. (Ed. Code 48900(l)) Notification to police may be required.
- *Imitation Firearm*: Possession of an imitation firearm. (Ed. Code 48900(m)) (An “Imitation Firearm” is a replica of a firearm that is so substantially similar in physical properties to an existing firearm to lead a reasonable person to conclude that the replica is a firearm. (Ed. Code 48900(m)). Notification to police may be required.
- *Sexual Assault/Sexual Battery* (Included in Actions Requiring Mandatory Expulsion, Ed Code 48915(c) and below): Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code. (Ed. Code 48900(n)) Notification to police required for students in grades 4-12. (The definition of sexual assault includes rape, various types of sexual abuse, and lewd and lascivious conduct. (Penal Code 261, 266c, 286, 288, 288a, 289.) Sexual battery is the touching of an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse. (Penal Code 243.4)). *See also*, Ed. Code 48915(c) triggering mandatory expulsion procedures in the event of such a violation.
- *Sexual Harassment*: Committed sexual harassment (Ed. Code 48900.2), meaning an act which, upon review of a reasonable person of the same gender as the victim, is determined to be sufficiently severe or pervasive so as to cause negative impact on one’s academic performance or to create an intimidating, hostile or offensive educational environment. “Sexual harassment” must be unwelcomed by the recipient in order to constitute a violation of Education Code 48900.2, and only students in grades 4-12 are subject to suspension for sexual harassment.

- *Hate Violence*: Caused, attempted to cause, threatened to cause, or participated in an act of hate violence. (Ed. Code 48900.3) Notification to police required for students in grades K-12. (The definition of hate violence is the use of force or threat of force to intimidate a person in the exercise of a constitutional or statutory right, or damage or destruction of property for the purpose of intimidating or interfering with a person because of that individual’s “race, color, religion, ancestry, national origin, disability, gender, or sexual orientation.”)
- *Intentional Harassment*: Created a hostile educational environment (Ed. Code 48900.4) (The definition of intentional harassment is the engaging in harassment, threats or intimidation, directed against a student or group of students, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting a classroom, creating substantial disorder, and invading the rights of the students or group of students by creating an intimidating or hostile educational environment).
- *Terrorist Threats Against School Officials and/or Property*: Committed a terrorist threat against school officials, school property or both (Ed. Code 48900.7) (The definition of a terrorist threat includes 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 (\$1,000.00), 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, his or her immediate family’s safety, the protection of school property, and/or the personal property of the person threatened or of his or her immediate family. Notification to police may be required.

Potential Disciplinary Actions

In general, a suspension may be imposed only when other means of correction fail to bring about the proper conduct. However, with respect to the violations set forth in Ed. Code sub-sections (a) – (e), *i.e.*, the first five enumerated above, an out-of-school suspension may be authorized for a first offense. (Additionally, a suspension for any of the above-listed violations is permissible if a student’s presence causes a danger to persons or property or threatens to disrupt the instructional process.) Ed. Code 48900.5. Expulsion for a violation of subsections (a) – (e) is permitted based upon the recommendation of the School Leader and a finding by the KIPP LA board (or a designated committee thereof) that the student committed the offense and that either: (a) other means are not feasible or have repeatedly failed to correct the behavior; or (b) due to the nature of the act, the student’s presence would cause a continuing danger to personal safety. Ed. Code 48915(b)

With respect to the remaining violations set forth above, except as otherwise noted (with respect to acts triggering mandatory expulsion consideration), a suspension is permitted only when other corrective actions have failed to bring about the proper conduct. However, prior corrective action is not a prerequisite if a student’s presence would cause a danger to persons or property, or threaten to disrupt the instructional process. Ed. Code 48900.5. Expulsion for these offenses are limited

to situations in which the Executive Director or School Leader has made a recommendation based on a finding that one of these enumerated offenses was committed, and there is a finding by the board (or a properly empowered committee thereof) that either: (a) other means of disciplining are not feasible or have repeatedly failed to correct the behavior; or (b) due to the nature of the act, the presence of the student would cause a continuing danger to someone's personal safety. Ed. Code 915(e).

Additional offenses identified by statute

- *Electronic Signaling Device*: Pursuant to Ed. Code 48901, KIPP Los Angeles College Prep forbids the possession of electronic signaling device, including cell phones and pagers while on school grounds, while attending school sponsored activities, or while under the supervision and control of school employees.
- *Harassment of Witness*: Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both. (Ed. Code 48900(o)) Pursuant to Ed. Code 48900, a violation could provide grounds for suspension.
- *Soma*: Offering, selling or negotiating to sell the prescription drug Soma. Ed. Code 48900(p).
- *Hazing*: It is a violation to engage in hazing activities or any act that causes or is likely to cause personal humiliation or disgrace (Ed. Code 48900(q) and 32050-32052). Pursuant to Ed. Code 48900, a violation could provide grounds for suspension.
- *Bullying*: Ed. Code 48900(r) prohibits acts of bullying that are directed specifically toward a student or school personnel.
- *Vandalism/Malicious Mischief*: Prohibited conduct includes defacing, damaging or destroying any school property including, books, supplies of all kinds, equipment, buildings and grounds. Parents can be held financially liable for damages up to \$10,000 and can also be liable for the amount of any reward not exceeding \$10,000 pursuant to Section 53069.5 of the Government Code (Ed. Code 48904).

Student Conduct requiring Expulsion

Category I – Mandatory Expulsion: Under the mandatory provisions of Education Code 48915(c) and (d), a student who has committed one or more of the following acts must be immediately suspended and recommended for expulsion, and the KIPP Los Angeles board must act on this recommendation:

- Possessing, selling or otherwise furnishing a firearm when a KIPP Empower Academy employee verified firearm possession
- Brandishing a knife at another person
- Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code
- Committing or attempting to commit a sexual assault or committing sexual battery
- Possession of an explosive

Category II – Mandatory Recommendation for Expulsion: Under the provisions of Education Code 48915(a)(1) – (5) and 48915(b), a student who has committed one

of the following acts of misconduct must be recommended for expulsion unless there is a finding that expulsion would be inappropriate under the circumstances:

- 48915(a)(1): Causing serious physical injury to another person, except in self-defense
- 48915(a)(2): Possession of any knife or other dangerous object of no reasonable use to the student
- 48915(a)(3): Unlawful possession of any controlled substance listed in Chapter 2 (Commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis
- 48915(a)(4): Robbery or extortion;
- 48915(a)(5): Assault or battery upon a school employee.

If there is a recommendation for expulsion based on a violation of the offenses identified in Ed. Code 48915(a)(1)-(5), the governing board or its designated committee may – but is not required to – expel based on a finding that the student committed the offense and either: (a) other means of disciplining are not feasible or have repeatedly failed to correct the behavior; or (b) due to the nature of the act, the presence of the student would cause a continuing danger to personal safety. *See*, Ed. Code 48915(b).

SPECIAL EDUCATION STUDENTS AND DISCIPLINARY ACTIONS

Disciplinary proceedings for a currently identified Special Education student will comply with supplementary due process procedures. KIPP Empower Academy and KIPP Los Angeles will follow all due process requirements for Special Education students included in this document and in the Education Code. Additionally, the School will ensure that it will comply with the mandates of federal laws, including the IDEA and Section 504 of the Rehabilitation Plan of 1973.

In the case of a student who has an IEP, an IEP team will meet to conduct a manifestation determination utilizing the District's Policies and Procedures Manual. Any IEP meeting that includes the discussion of an alternative placement will include a district representative. Prior to recommending expulsion for a student with a 504 Plan, an administrator from the School will convene a Link Determination meeting to ask the following two questions: A) Was the misconduct caused by, or directly and substantially related to the student's disability? B) Was the misconduct a direct result of the School's failure to implement the 504 Plan?

Procedures governing student suspension or expulsion

(Ed Code § 47605(b)(5)(J))

The policies and procedures for suspension and expulsion will be periodically reviewed and the list of offenses for which students are subject to suspension and expulsion will be modified as necessary. The School will account for suspended or expelled students in its average daily attendance accounting as provided by law.

Procedures in cases potentially involving suspension

Step One: The Principal, designee or teacher investigates the incident and determines whether or not it potentially merits suspension. *Searches:* In order to

investigate an incident, or where there is reasonable suspicion, a student's attire, personal property, vehicle or school property, including books, desks, and school lockers, may be searched by a principal/principal designee who has reasonable suspicion that a student possesses illegal items or illegally obtained items. These may include illegal substances, drug paraphernalia, weapons or other objects or substances that may be injurious to the student or others. *Illegally possessed items shall be confiscated and turned over to the police.*

Step Two: Unless a student poses a danger to the life, safety, or health of students or school personnel, a suspension will be preceded by an informal conference between the principal and student, in which the student shall be informed of the reason for the suspension, the evidence against him, and be given the opportunity to present his or her defense. At the time of any suspension conference, the School will make a reasonable effort to contact the student's parents in person or by telephone.

Step Three: The Principal determines if a suspension is to be imposed and, if so, the appropriate length (up to five school days). In the event that a teacher suspends a student, the teacher shall ask the parent to attend a parent-teacher conference regarding the suspension as soon as possible.

Step Four: A Notice of Suspension Form is prepared for the student and parents with the specific offense committed and the date of return. A copy of this form is also sent to the KIPP Los Angeles office and placed in the student's cumulative file at the school. Arrangements are made for interim educational assignments, including missed school and homework, to be available for pick-up at the school during the duration of the suspension.

Step Five: The Principal determines whether the offense warrants a report to law enforcement authorities. California law requires that KIPP Los Angeles report certain offenses to law enforcement authorities (Ed. Code 48902). In such cases, the appropriate law enforcement agencies will be notified. In addition to the offenses listed under "Grounds for Suspension and Expulsion" that require a police report, school personnel may be required, by law, to file a report to the police or a legal agency as follows:

- Prior to suspending a student from school for an assault upon any person with a deadly weapon or by force likely to produce great bodily injury. (Ed. Code 48902)
- A non-accidentally inflicted physical injury upon a minor student by another student which requires medical attention beyond the level of school-applied first aid. (Penal Code 11166)
- A non-accidentally inflicted physical injury by any person upon any minor which requires any medical attention. A report must be made to police or a child protection agency. (Penal Code 11166)
- Actual or suspected sexual abuse or physical abuse of any minor child. A report must be made to a child protection agency. (Penal Code 11166)
- An attack or assault on, or the menacing of, any school employee by a student. (Ed. Code 44014)
- A directly communicated threat by a student or any person to inflict unlawful injury upon the person or property of a school employee to keep the employee from fulfilling any official duty or for having fulfilled any official duty.
- Possession of any controlled substance, drug paraphernalia, alcoholic beverages or intoxicants, including glue containing toluene. Possession of such materials is illegal, and upon confiscation, cannot be retained by school personnel. (Ed.

Code 48900(c)

- Acts of school misconduct in violation of court imposed conditions on probation. (Ed. Code 48267)
- Truancy of any student under court ordered mandatory attendance.

Step Six: The Principal or a designee informs teachers of each student who has engaged in, or been suspected to have been engaged in, any misconduct for which the student may be suspended other than for use and possession of tobacco products. The information must be maintained in confidence and transmitted to teachers and supervisory personnel in confidence for a period of three years after receiving such notification or from the time the student returns to the school (Ed. Code 49079).

Appeals Process: A student or the student's parents/guardians may appeal an out-of-school suspension that is imposed upon a student for his/her school related offenses. An appeal in writing must first be provided to KIPP Empower Academy and should be directed to the principal. The principal or principal's designee will attempt to resolve the appeal with a written response within five (5) school days. After appeal at the school level, if further appeal is desired, it should be made to KIPP Los Angeles and directed to the Executive Director. Such appeals shall be resolved with a written response within fifteen (15) school days. After appeal at the KIPP Los Angeles administrative level, if further review is desired, the appeal may be extended to the KIPP Los Angeles board of directors for resolution with a written response within 20 school days. If any appeal is denied, the parent may place a written rebuttal to the decision in the student's file.

Procedures in cases potentially involving Expulsion:

Definition: Expulsion is the involuntary removal of a student from all schools and programs of KIPP Los Angeles for an extended period of time for acts of specified misconduct. Except for single acts of a grave nature, expulsion is used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to other students. Final action is only taken by vote of the KIPP Los Angeles Board of Directors or a specially designated committee thereof.

Step One. In the event that a student is recommended for expulsion from KIPP Empower Academy, the School shall promptly provide written notice to the student and parents / guardians of the rights and responsibilities enumerated in Education Code section 48918, including the basis for a recommendation to expel, the right to a public hearing, as well as the date, time and location of such a hearing.

Step Two: The School's notification shall include a statement of facts supporting the recommendation to expel, including the substance of any witness statements. These papers may also include a record of student attendance and grades and a record of previous infractions.

Step Three: The expulsion hearing must occur within thirty days of the offense, unless the student and parent or guardian request a postponement, Likewise, the hearing shall not be held less than ten days following the written notification of due process rights unless the student and family/guardian waive their rights to ten

days' notice. (Ed. Code 48918)

Step Four: An expulsion hearing is held before a designated subcommittee of the KIPP Los Angeles board of directors. The hearing will follow the procedures identified in Ed. Code 48918, and the student shall have the right to be represented by an advocate. (The student's advocate can be any person (attorney or non-attorney) of the student's choice who is willing and able to represent the student at the expulsion hearing.) The student and his/her advocate may present their evidence and arguments, question witnesses, call witnesses, and present materials to the board for consideration. A record of the hearing will be made and, if necessary, a translator will be present at the hearing.

Step Five: 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. If, due to a written request by the expelled student, 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.

Step Six: Within three school days after the hearing, the KIPP Los Angeles board designated subcommittee shall decide whether or not to approve the recommendation to expel. Any decision to accept the recommendation to expel must be based upon a finding of facts derived from the evidence presented to the board. Any decision to expel must be based upon substantial evidence relevant to the charges adduced at the expulsion hearing. An alternative school placement for the student will be arranged in the case of expulsion and the School shall immediately notify the Superintendent of the Los Angeles Unified School District of the expulsion and shall provide the District with a copy of the cumulative record of the pupil, including a transcript of grades or report cards, and health information. Parents have the right to appeal expulsions to the full board of KIPP LA. A parent must submit an appeal within 10 days of being informed of the expulsion decision by the board's subcommittee.

The designated subcommittee of the KIPP Los Angeles board, upon voting to expel a pupil, may suspend the enforcement of the expulsion order for a period of not more than one calendar year and may, as a condition of the suspension of enforcement, assign the pupil to a school, class, or program that is deemed appropriate for the rehabilitation of the pupil. The rehabilitation program to which the pupil is assigned may provide for the involvement of the pupil's parent or guardian in his or her child's education in ways that are specified in the rehabilitation program. A parent or guardian's refusal to participate in the rehabilitation program shall not be considered in the KIPP Los Angeles board's determination as to whether the pupil has satisfactorily completed the rehabilitation program. (Ed. Code 48917)

Procedures in cases involving a Suspension pending a Hearing to Expel

As set forth in Education Code section 48911(g), a suspension may, under certain circumstances, be extended if a hearing to expel or impose a semester-long suspension on the student is being processed by the governing board. However, such an extension is only permissible if the Executive Director of her/his designee has determined, following a meeting with the student (to which the parents have been invited to participate) that the ongoing presence of the student at the school

would: (a) cause a danger to persons or property; or (b) threaten to disrupt the instructional process.

Readmission

The decision to readmit a student or to admit a previously expelled student from another school district or charter school shall be in the sole discretion of the KIPP Los Angeles board of directors following a meeting with the Principal and the student and parents / guardian to determine whether the student has successfully completed the rehabilitation plan and whether the student poses a threat to others or will be disruptive to the school environment. The student's readmission is also contingent upon the KIPP Empower Academy's capacity at the time the student seeks readmission.

District Required Language

Charter School shall provide due process for all students, including adequate notice to parents/guardians and students regarding the grounds for suspension and expulsion and their due process rights regarding suspension and expulsion, including rights to appeal.

Charter School shall ensure that its policies and procedures regarding suspension and expulsion will be periodically reviewed, and modified as necessary, including, for example, any modification of the lists of offenses for which students are subject to suspension or expulsion.

Charter School shall ensure the appropriate interim placement of students during and pending the completion of the Charter School's student expulsion process. If the student receives or is eligible for special education, the Charter School shall identify and provide special education programs and services at the appropriate interim educational placement, pending the completion of the expulsion process, to be coordinated with the LAUSD Support Unit, Division of Special Education.

Charter School shall utilize alternatives to suspension and expulsion with students who are truant, tardy, or otherwise absent from compulsory school activities.

If a student is expelled from the Charter School, the Charter School shall forward an expulsion packet to the Innovation and Charter Schools Division immediately or as soon as practically possible, containing the pupil's last known address, a copy of the cumulative record of the pupil, a transcript of grades or report card, health information, documentation of the expulsion proceeding including specific facts supporting the expulsion, and the student's current educational placement.

Charter School shall also provide documentation that it has followed Charter School's policies and procedures on suspensions and expulsions, which shall include the following provisions:

- Criteria for expulsions as found in Title V, section 11967.5.1 (f) (10) of the California Code of Regulations;

- *Discipline of Students with Disabilities:* Reasonably comprehensive descriptions of student discipline policies that expand on what is stated in the charter. If the student is eligible for special education, that the Charter School followed specific provisions related to expulsion pursuant to the IDEA have been followed including conducting a manifestation determination IEP prior to expulsion. If the student is eligible for Section 504 Accommodations, evidence that the Charter School administrator convened a Link Determination meeting to ask the following two questions: A) Was the misconduct caused by, or directly and substantially related to the student's disability? B) Was the misconduct a direct result of the Charter's failure to implement the 504 Plan?

- Notice of expulsions and prompt forwarding of all documents used in the expulsion to the Innovation and Charter Schools Division, as noted in Education Code sections 47604.3 and 47605 (d) (3), because there is a hearing process prior to students being admitted in the District (Education Code sections 48915.1 and 48915.2). The charter school shall forward this information to the Innovation and Charter Schools staff member assigned to your school immediately or as soon as practically possible; and

- Notice of reinstatement of students after the conclusion of the period of expulsion, which is no longer than one calendar year. The charter school is responsible for reinstating the student upon the conclusion of the expulsion period.

- When a student is expelled, the charter school shall:

- Provide the parent documentation of the expulsion providing a written explanation of the following:
 - Reason for expulsion
 - Term of expulsion
 - Rehabilitation plan (what the student needs to demonstrate to be reinstated)
 - Eligibility date of reinstatement
 - Appeal process
- Explain to the parent their responsibility and options to seek enrollment in:
 - Student's home school district
 - Another charter school
 - Private or parochial school
- Explain to the parent their responsibility to submit records/documents when the student is eligible for reinstatement to prove student's compliance and to request reinstatement.
- Forward student records upon request of new school (district) in a timely fashion.
- Send a letter to the parent when the reinstatement review date is approaching.

Outcome Data

Charter School shall maintain all data involving placement, tracking, and monitoring of student suspensions, expulsions, and reinstatements, and make such outcome data readily available to the District upon request.

Rehabilitation Plans

Pupils who are expelled from the Charter School shall be given a rehabilitation plan upon expulsion as developed by the Charter School's governing board at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one year from the date of expulsion when the pupil may reapply to the Charter School for readmission.

Readmission.

The Charter School's governing board shall adopt rules establishing a procedure for the filing and processing of requests for readmission and the process for the required review of all expelled pupils for readmission. Upon completion of the readmission process, the Charter School's governing board shall readmit the pupil, unless the Charter School's governing board makes a finding that the pupil has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety. A description of the procedure shall be made available to the pupil and the pupil's parent or guardian at the time the expulsion order is entered.

Gun Free Schools Act

The Charter School shall comply with the federal Gun Free Schools Act.”

4. The Charter School warrants that it is/is operated by a non-profit corporation in good standing in the State of California.
5. The Charter School warrants that employer contributions are being made towards the STRS and PERS funds for its eligible employees, as stated in the Charter Petition. LAUSD, as the authorizing oversight entity, is not and shall not be liable for any arrears, interest and penalties Charter School may owe and incur towards the STRS and PERS fund.
6. All other provisions of the Charter shall remain in effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be duly executed and delivered in their respective names by their authorized representatives as of the date set forth below.

DATED: January 4, 2011

KIPP Empower Academy Charter School
("Charter School")

By: _____

Title: _____

Authorized Representative of KIPP Empower Academy
Charter School

DATED: January 4, 2011

LOS ANGELES UNIFIED SCHOOL DISTRICT
("District")

By: _____

Title: _____

Authorized Representative of Los Angeles Unified School
District