



AMENDMENT TO CHARTERS OF BRIGHT STAR SCHOOLS

This Amendment to the Charters of 9 (nine) charter schools, currently operated by Bright Star Schools and authorized by the Los Angeles Unified School District, (“Amendment”) is made between the Charter Authorizer, Los Angeles Unified School District (“District”), a California public school district, and Bright Star Schools (“Corporation” or “BSS”), a California non-profit corporation, (“Parties”) operating 9 District-authorized California public charter schools, identified herein collectively as “BSS Charter Schools”, “Charter Schools”, or individually as “BSS Charter School”, “Charter School”.

This Amendment is to be read in conjunction with and shall expressly amend the Charters of the following BSS Charter Schools approved by the Los Angeles Unified School District Board of Education on **the respective dates indicated** in their operative charters (“Charters” and/or “Charter”):

Rise Kohyang Elementary
Rise Kohyang High
Rise Kohyang Middle
Stella Elementary Charter Academy
Bright Star Secondary Charter Academy
Stella Middle Charter Academy
Valor Academy Elementary
Valor Academy High
Valor Academy Middle

A. WHEREAS, the District authorized the listed BSS Charter Schools to be operated by Bright Star Schools;

B. WHEREAS, at their March 13, 2020 governing board meeting, Bright Star Schools passed a resolution (“the Resolution”) to update Elements 5, 9 and 10 of all nine (9) BSS Charter Schools’ Charters;

C. WHEREAS, according to the April 3, 2020 cover letter submitted in support of the request for this Amendment, since all nine (9) BSS Charter Schools’ Charters “have different renewal cycles for their existing charters, there is some natural evolution between the information we had at the time of charter application or renewal and current practice. For that reason, Bright Star Schools seeks to make” changes to the Charters. “The primary rationale for these edits is to centralize our best practices across our charter network, in order to best serve our students, families and communities.”;

D. WHEREAS, Parties agree to amend the Charter to reflect changes to the Charter as noted below.

E. 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. **Elements 5 - Employee Qualifications:** Elements 5 of the Charters shall be amended as follows:

- Replace the [combined] job title, role and responsibilities (in the Charters of Stella Elementary Charter Academy, Bright Star Secondary Charter Academy, Rise Kohyang Middle School, Rise Kohyang High School and Valor Academy Elementary School) of “Chief Academic Officer & Head of Schools” with “Deputy Superintendent of Education (“DSE”).”

- Replace provision in the referenced Charters regarding the positions overseen by the Deputy Superintendent of Education with: “The DSE oversees the Heads of Schools, the Vice President of Family and Student Services, Director of Curriculum and Instruction, and the Directors of Special Education in their management and guidance of the school staff.”

- Update the Charters to include the following job descriptions, responsibilities and qualifications for the Head of Schools:

“Head of Schools

The primary function of the Head of School is to drive instructional achievement and results at the schools they oversee. The Head of Schools will act as the direct supervisor of the principal and lead them in the development and execution of a rigorous instructional program serving all students that will achieve the school’s goals as outlined in the school improvement plan. The Heads of Schools will work collaboratively with the Deputy Superintendent of Education to ensure that the schools have the structures and fidelity to processes in place to ensure that we are gathering weekly evidence of success in order to ensure day to day duties are aligned to goals. Additionally, it is the Head of School’s responsibility to ensure that the principal is urgently responding to the data gathered through appropriate means.

Key Responsibilities

- It is the role of the Head of Schools to act as an internal ambassador for the values, practices, and policies of Bright Star Schools. This includes deeply understanding organizational practices and policies and actively messaging them to administrators, teachers, parents, and other stakeholders. As a network leader, it is imperative that the Head of Schools actively and publicly expresses support for Bright Star Schools and develops consensus and buy in wherever it does not exist.

- The Head of School will spend a full day at each site each week to actively develop the principal through coaching, observation and feedback. The Head of Schools is not merely a support coach, but rather the senior leader at the school driving the administrative team to ensure they are meeting student achievement targets. The Head of Schools will keep detailed notes of their weekly work with the principals, especially the

specific action and plans to improve the instructional program and will actively communicate progress to the DSE. Some HOS leadership activities include, but are not limited to:

- Weekly review and response to demographic data spreadsheets with the leadership team.
 - Weekly review of the efficacy of the site inputs and action items as outlined on the school improvement plans, along with other adjunct methods to drive achievement.
 - Weekly observation of classrooms with the administrative team and delivery of feedback to site instructors.
 - Creating plans, instilling a sense of urgency, and coaching leadership on execution and adherence to weekly responses to the data gathered in the school walkthroughs.
- Heads of Schools will develop a comprehensive development and evaluation plan for the principal and spend time on a weekly basis observing the principal executing their duties. The Head of Schools should support the principal through pre planning and coaching prior to execution and provide in field coaching and feedback to improve performance.
 - The Head of Schools ensures that the principal completes key duties and provides coaching and support as necessary.
 - The Head of Schools will work from the Bright Star Central Office one day per week and participate in meetings and activities as assigned by the DSE.

Qualifications

- At least three years as a principal preferred
- Tier 2 Administrative Credential preferred
- Experience across at least two school levels (e.g. middle school and high school) preferred
- Proven track record of success in driving student achievement
- Embodies Bright Star Core Values in all aspects of their work
- Fluency in Spanish or Korean preferred.

Additionally, Element 5 of all Bright Star School Charters shall include, in the qualification for administrators at each BSS Charter School site, a preference for an administrative and teaching credential.

2. **Element 9 - Annual Financial Audits:** All references in the Charters, particularly in Element 9, to the position and roles of the “Chief Accounting Officer”, “Chief Financial Officer” or “Controller” shall be replaced with “Chief Business Officer.”

3. **Element 10 - Suspension and Expulsion Procedures:** All provisions in Element 10 of the Charters shall be deleted in its entirety and replaced with the following provisions:

10.1 “: Discipline Foundation Policy

The Charter School does not consider suspension and expulsion to be effective means of improving school behavior or compliance with Charter School rules and policies. While they may become necessary in extraordinary circumstances, disciplinary issues at the Charter School are more often dealt with through a variety of other strategies. These include, among other things, counseling, airing of the issue with faculty and other students, discussion with the student and his or her parent/guardian, social worker or probation officer and ineligibility for particular privileges.

The Charter School uses a value-based system to develop and promote positive student behavior and supports. These supports include school-wide incentive programs, community-building activities and relationship-building practices at all grade levels.

Professional development is offered at all levels of the organization to support the importance of building healthy relationships, strong communities and development of restorative practices. Professional development is offered for all staff prior to the beginning of the school year, and organization-wide professional development events are facilitated five (5) times each year. Each year, a professional development plan is created in alignment with feedback from data and surveys of all stakeholders.

The contents in the student handbook are consistent with provisions in this petition, applicable Districts policy(ies), the School Climate Bill of Rights and all applicable law. The Principal shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline policies and procedures.

Under the Charter School's Discipline Foundation Policy, students who do not adhere to stated expectations in the Charter School's student handbook for behavior and who violate the Charter School's rules will face consequences for their behavior.

Consequences may include, but are not limited to:

- Behavioral counseling
- Warning, verbal and/or written
- Individual conference with the teacher
- Loss of privileges (e.g. attendance at school functions- dances, games, etc.)
- Individual behavior contract
- Referral to the Principal, Assistant Principal or other school support staff
- Notices to parents by telephone or letter
- Parent conference, at school or during a home visit
- Formal restorative conferencing
- Suspension (for an offense enumerated below)
- Expulsion (for an offense enumerated below)

Any student who engages in repeated violations of the Charter School's behavioral expectations that cannot be dealt with through counseling and other tiered intervention strategies, will be required to attend a meeting with the Dean of Students and/or the School Principal and the student's parent/guardian. Such tiered interventions for behavior may include, but are not limited to, Ripple Effects (a social and emotional learning and behavior intervention online platform), one on one counseling, or targeted behavior interventions. The Dean of Student Conduct will prepare a specific, individual behavior contract outlining future student conduct expectations, timelines, supports and consequences for failure to meet the behavior expectations which may include, but are not limited to, suspension for offenses enumerated as suspendable below. Behavior contracts are consistent with provisions in this petition, applicable Districts policy(ies)/School Climate Bill of Rights and all applicable law and may be implemented.

Staff shall enforce disciplinary rules and procedures fairly and consistently among all students. Charter School staff are trained in and annually review de-escalation strategies for students at the Charter School. Biweekly, staff participate in professional development focused on teaching, communicating and practicing the school's discipline policy to ensure Charter School practices are consistent. These strategies focus on developing relationships with students, restorative practices, identifying and avoiding triggers for undesirable behavior (when possible), and safely stabilizing students through de-escalation techniques who have been triggered. Means of restoration following enforcement of consequences commonly used to build community and/or restore relationships are:

- Providing opportunities for students to reflect on their behavior, including perceived or actual consequences for themselves and others
- Logical consequences that relate to the misbehavior
- When needed, formal restorative conferences with students and parents and other key stakeholders including administration, teachers, and counselors are facilitated by trained professionals
- Provision of any number of resources or referrals to community-based organizations offering youth programs or supports
- Opportunities for school-based counseling through our partnerships with community-based organizations.

At the school student behavior data is monitored through a software program customized by the Charter School to manage behavior and character education.

In-School Suspension

The Charter School offers in-school suspension as a means of reducing time missed from learning for behavioral issues. School counselors work with students on in-school suspension and their family to arrange a schedule for the student to work on personalized learning assignments through personalized learning assigned by the teacher, as needed to ensure s/he is able to keep up with school work while on

suspension. While a student is on in-school suspension, he or she will be supervised by the Charter School's Assistant Principal in the Charter School's administrative office. This ensures the safety of the general student body, staff and school campus visitors. Additional supports provided to the student and their family are counseling and an assigned, individualized social-emotional learning scope and sequence. The maximum number of days for an in-school suspension shall not exceed 5 days per incident or more than 20 days in an academic year.. The provisions defined below, including family notification, apply to in-school suspension as well as out-of-school suspension.

It is the Charter School's preference to keep students on campus as frequently as possible and to limit the number of suspensions issued. The Charter School reserves out of school suspensions, for when a student may be at risk to themselves or others on campus.

10.2 Suspension and Expulsion Policy and Procedures

Policy

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

When the Policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as the Charter School's policy and procedures for student suspension and expulsion and it may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements and are made in consultation with the Charter School Division. Charter School staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This Policy and its Procedures will be printed and distributed as part of the Student Handbook and will clearly describe discipline expectations.

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.

The Charter School administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline and

involuntary removal policies and procedures. The notice shall state that this Policy and Procedures are available on request at the Principal's office.

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 the 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 general education students except when federal and state law mandates additional or different procedures. The Charter School will follow all applicable federal and state laws including but not limited to the California Education Code, when imposing any form of discipline on a student identified as an individual with disabilities or for whom the 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.

Procedures

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

1. Discretionary Suspension Offenses. Students may be suspended for any of the following acts when it is determined the pupil:
 - a) Caused, attempted to cause, or threatened to cause physical injury to another person.
 - b) Willfully used force or violence upon the person of another, except self-defense.
 - c) Unlawfully possessed, used, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.

- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.
- g) Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.
- l) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- m) 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.
- n) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- o) 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.

- p) 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.
- q) 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.
- r) 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.
- s) 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 class work, 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.
- t) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.

- 1) “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
 - i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student’s or those students’ person or property.
 - ii. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
 - iii. Causing a reasonable student to experience substantial interference with his or her academic performance.
 - iv. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.

- 2) “Electronic Act” means the creation 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:
 - i. A message, text, sound, video, or image.
 - ii. A post on a social network Internet Web site including, but not limited to:
 - (a) Posting to or creating a burn page. A “burn page” means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
 - (b) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above. “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
 - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
 - iii. 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.

3) 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.

u) 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).

v) 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 Principal or designee’s concurrence.

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

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

b) Brandishing a knife at another person.

c) Unlawfully selling a controlled substance listed in Health and Safety Code Section 11053, *et seq.*

d) Committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900(n).

3. Discretionary Expellable Offenses: Students may be recommended for expulsion for any of the following acts when it is determined the pupil:
- a) Caused, attempted to cause, or threatened to cause physical injury to another person.
 - b) Willfully used force or violence upon the person of another, except self-defense.
 - c) Unlawfully possessed, used, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
 - d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
 - e) Committed or attempted to commit robbery or extortion.
 - f) Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.
 - g) Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.
 - h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
 - i) Committed an obscene act or engaged in habitual profanity or vulgarity.
 - j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
 - k) Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.
 - l) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
 - m) 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.

- n) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- o) 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.
- p) 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.
- q) 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.
- r) 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.
- s) 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 class work, 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.

t) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.

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

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

2) “Electronic Act” means the creation 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:

- i. A message, text, sound, video, or image.
- ii. A post on a social network Internet Web site including, but not limited to:
 - (a) Posting to or creating a burn page. A “burn page” means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
 - (b) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above. “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
 - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. “False profile”

means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.

iii. 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.

3. 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.

u) 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).

v) 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 Principal or designee’s concurrence.

4. Non-Discretionary Expellable Offenses: Students must be recommended for expulsion for any of the following acts when it is determined pursuant to the procedures below that the pupil:

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

b) Brandishing a knife at another person.

c) Unlawfully selling a controlled substance listed in Health and Safety Code Section 11053, et seq.

- d) Committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900(n)

If it is determined by the Disciplinary Panel that a student has brought a firearm or destructive device, as defined in Section 921 of Title 18 of the United States Code, on to campus or to have possessed a firearm or dangerous device on campus, the student shall be expelled for one year, pursuant to the Federal Gun Free Schools Act of 1994. In such instances, the pupil shall be provided due process rights of notice and a hearing as required in this policy.

The term “firearm” means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

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

C. Suspension Procedure

Suspensions shall be initiated according to the following procedures:

1. Conference

Suspension shall be preceded, if possible, by a conference conducted by the Principal or the Assistant Principal or Dean of Students, as a designee of the Principal, with the student and his or her parent and, whenever practical, the teacher, supervisor or Charter School employee who referred the student to the Principal or designee.

The conference may be omitted if the Principal or designee determines that an emergency situation exists. An “emergency situation” involves a clear and present danger to the lives, safety or health of students or 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(c)(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.

2. Notice to Parents/Guardians

At the time of the suspension, the Principal or the Assistant Principal or Dean of Students, a designee of the Principal, 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 shall 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.

3. Suspension Time Limits/Recommendation for Expulsion

The length of the suspension will be determined by the Principal based on the severity of the offense(s), as evidenced by a fair and thorough investigation including witness statements, physical evidence, and other relevant factors, such as contributing life events and circumstances, and whether other means of correction can adequately reduce the length or suspension. For students with IEPs, the Inclusive Education Specialist and/or Director of Inclusive Education will counsel the Principal on additional factors that are relevant to making the determination. The length of suspension for students may not exceed a period of 5 consecutive days unless an administrative recommendation has been made and agreed to by the student's parent/guardian. If a student is recommended for a period of suspension exceeding 5 continuous days, a second conference will be scheduled between the parent/guardian and the school to discuss the progress of the suspension upon the completion of the additional term of the suspension. A suspension exceeding 5 days would occur in the event that the Principal does not believe, based upon the offense and conference with student and family, that the student is willing or able to return without significant risk of harm to themselves or other students. The total number of days for which a pupil may be suspended from school shall not exceed 20 school days in any school year, unless for purposes of adjustment, a pupil enrolls in or is transferred to another regular school, an opportunity school or class, or a continuation education school or class, in which case the total number of school days for which the pupil may be suspended shall not exceed 30 days in any school year. In the event the student is suspended they are placed in an interim educational setting within the District.

Upon a recommendation of expulsion by the Principal or Principal's designee, the pupil and the pupil's parent/guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended, not to exceed a maximum of 20 school days, pending an expulsion hearing. In such instances when

the Principal of the Charter School has determined a suspension period shall be extended, such extension shall be made only after a conference is held with the pupil or the pupil's parents, unless the pupil and the pupil's parents fail to attend the conference.

This determination will be made by the Principal or designee upon either of the following: 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.

The Advisor of the suspended student will collect and provide the student with classroom material and current assignments to be completed at home during the length of the suspension. Written notification listing all required assignments will be sent to the student's parents and all needed materials will be left in the front office.

The suspension of a student will be at the discretion of the Principal, Assistant Principal or the Dean of Students (as a designee of the Principal). A suspension appeal may be made in writing to the Principal within the term of the suspension. Within 48 business hours, a decision will be made by the Head of Schools regarding the appeal of the student suspension, and this decision will be considered final.

4. Homework Assignments During Suspension

The Advisor of the suspended student will collect and provide the student with classroom material and current assignments to be completed at home during the length of the suspension. Missed tests will also be coordinated to be completed either at home or upon return. Written notification listing all required assignments will be sent to the student's parents and all needed materials will be left in the front office.

D. Authority to Expel

As required by Education Code Section 47605(c)(5)(J)(ii), students recommended for expulsion are entitled to a hearing adjudicated by a Disciplinary Panel 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 by a neutral and impartial Disciplinary Panel, The Disciplinary Panel shall consist of three members of the Bright Star Schools Board of Directors. The Disciplinary Panel shall be presided over by a member of the Panel designated as a hearing chairperson. The Disciplinary Panel may expel any student found to have committed an expellable offense.

E. Expulsion Procedures

If the Principal recommends expulsion, the student and the student's parents will be invited to a conference to determine if the suspension for the student should be extended

pending an expulsion hearing. During this conference, the student and parents are offered the opportunity to be heard and offer justification for the behavior that led to the potential expulsion. This determination will be made by the Principal upon either of the following findings:

- The student's presence will likely be disruptive to the educational process
- The student poses a threat or danger to others.

Upon this determination, the student's suspension will be extended pending the results of an expulsion hearing, with a maximum of 20 total days in suspension. Students will be recommended for expulsion if the Principal finds that at least one of the following findings may be substantiated:

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

Students recommended for expulsion are entitled to a hearing before the Disciplinary Panel to determine whether the student should be expelled. Unless postponed for good cause, the hearing shall be held within thirty (30) school days after the Principal or designee determines that the pupil has committed an expellable offense.

Following a recommendation for expulsion and a hearing, the Disciplinary Panel, consisting of three impartial members of the Bright Star School's Board of Directors, will make a final decision whether to expel. Any Board member who has independent knowledge of the student or disciplinary circumstances shall not participate as a member of the Disciplinary Panel. 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, which will be emailed and mailed within 48 hours of the request for the hearing, shall be forwarded to the student and the student's parent/guardian at least ten (10) calendar days before the date of the hearing. Upon mailing the notice, it shall be deemed served upon the pupil. The notice shall include:

1. The date and place of the expulsion hearing;
2. A statement of the specific facts, charges and offenses upon which the proposed expulsion is based;
3. A copy of the Charter School's disciplinary rules which relate to the alleged violation;
4. Notification of the student's or parent/guardian's obligation to provide information about the student's status at the Charter School to any other school district or school to which the student seeks enrollment;
5. 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;
6. The right to inspect and obtain copies of all documents to be used at the hearing;
7. The opportunity to confront and question all witnesses who testify at the hearing;

8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.

Language support will be made available at the hearing, upon request, in the event that any party involved in the hearing has a primary language other than English.

F. Special Procedures for Expulsion Hearings Involving Sexual Assault or Battery Offenses

The Charter School may, upon a finding of good cause, determine that the disclosure of either the identity of the witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations that 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.

3. The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of his/her right to (a) receive five days' notice of his/her scheduled testimony, (b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent, guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.
4. The Charter School must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.
5. At the discretion of the Disciplinary Panel, the complaining witness shall be allowed periods of relief from examination and cross-examination during which he or she may leave the hearing room.
6. 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.
7. 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.
8. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the Disciplinary Panel from removing a support person whom the presiding entity 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.
9. If one or both of the support persons is also a witness, the Charter School must

present evidence that the witness' presence is both desired by the witness and will be helpful to the Charter School. The entity 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 of the Disciplinary Panel 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.

10. 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 hearing room during that testimony.
11. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in public at the request of the pupil being expelled, the complaining witness shall have the right to have his/her testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.
12. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the entity 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. The Charter School will create a written record of the expulsion proceeding in a separately-maintained file, which will be utilized in an appeal process if pursued. The record shall be made available to the parents upon request.

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 decision by the Disciplinary 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. Sworn declarations may be admitted as testimony from witnesses of whom the Disciplinary Panel determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

If, due to a written request by the expelled pupil, the hearing is held at a public meeting, and the charge is committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public.

The decision of the Disciplinary Panel shall be in the form of written findings of fact. The final decision by the Disciplinary Panel shall be made within ten (10) school days following the conclusion of the hearing.

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

I. Written Notice to Expel

The Principal or designee, following a decision of the Disciplinary Panel to expel, shall send written notice of the decision to expel, including the Disciplinary Panel's 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 Principal or designee shall send a copy of the written notice of the decision to expel to the District. This notice shall include the following: (a) The student's name; and (b) The specific expellable offense committed by the student; (C) rehabilitation plans, including the term of expulsion, criteria to be set forth in the plan, and the timelines and process for reinstatement and/or readmission following completion of the term of expulsion.

J. Disciplinary Records

The Charter School shall maintain records of all student suspensions and expulsions at the Charter School. Such records shall be made available to the authorizer upon request.

K. Expulsion Appeal

An expulsion may be appealed in writing within ten working days of the communication of the expulsion to the parent or guardian and must be submitted in writing to the Principal. The student will be considered suspended until a meeting is convened to consider the appeal (within 10 working days). The Bright Star Board of Directors, excluding the members of the Disciplinary Panel who presided over the original expulsion

hearing, shall hear the appeal. For an appeal, the student and guardian and or advocate may provide the reasons they disagree with the original findings and or his/her rationale for why they feel in some way the process was flawed. The Principal will also have the opportunity to represent their findings and reason for original recommendation.

For a student who has an expulsion upheld upon appeal, the family will be sent written notification by the Principal, within 24 hours of such decision, including specific reasons why appeal was denied, and will be given a readmission eligibility review date. For students whose expulsion has been overturned, a re-entry conference will be facilitated by a trained school personnel the next school day, and the student will resume regular classes immediately.

The decision of the Bright Star Board of Directors will be final. If the student is expelled or if expulsion is upheld on appeal, Charter School shall notify the Student Discipline and Expulsion Support Unit “SDES” including submitting an expulsion packet to include expulsion order, rehabilitation plan, and reinstatement eligibility immediately.

L. Rehabilitation, Reinstatement, and Readmission

In the event of a decision to expel a student, the Charter School will work cooperatively with the district of residence to assist with appropriate educational placement of the expelled student. Any incident of violent and/or serious student behavior such as sexual assault shall be communicated to the school district or school to which the student matriculates.

The term of the expulsion shall remain in effect for not more than one academic year or until the Governing Board of Bright Star Schools otherwise authorizes the pupil's readmission upon successful completion of the rehabilitation plan. The terms of the rehabilitation plan are developed by considering logical consequences for the behavior which the student is being expelled. During the time of expulsion from the Charter School, the student shall comply with the rehabilitation plan, and have satisfactory grades and attendance during the time of the expulsion, and may be asked to receive appropriate and related counseling services.

The decision to readmit a student shall be at the sole discretion of the Bright Star Schools Board, following a meeting with the Executive Director and the student and/or parent/guardian, to determine whether the student has successfully completed the rehabilitation plan and to determine 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 enrollment capacity of the Charter School at the time the student seeks readmission.

M. Notice to Teachers

The Charter School shall notify teachers of each pupil who has engaged in or is reasonably suspected to have engaged in any of the acts listed in Education Code Section 49079 and the corresponding enumerated offenses set forth above.”

4. Bright Star Schools warrants that it is a non-profit corporation in good standing in the State of California.

5. All other provisions of the Charters 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.

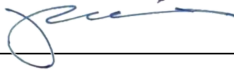
12/4/2020

DATED: December ____, 2020 BRIGHT STAR SCHOOLS

By:  _____
Title: Executive Director

Authorized Representative of Bright Star Schools

DATED: December 04, 2020 LOS ANGELES UNIFIED SCHOOL DISTRICT

By:  _____
Title: Director

Authorized Representative of Los Angeles Unified School District