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## **LEADERSHIP PUBLIC SCHOOLS SUSPENSION - EXPULSION PROCEDURES AND PARENT DUE PROCESS RIGHTS**

### **Introduction**

Leadership Public Schools ("LPS") believes that one of the major functions of education is the preparation of youth for responsible citizenship. LPS shall foster a learning environment that reinforces self-discipline and the acceptance of personal responsibility. In addition, LPS shall work with students and families to provide a safe school environment that provides students with the opportunity to have a quality education.

In order to maintain an environment that will prepare LPS students for responsible citizenship, LPS has developed and adopted the policies and procedures set forth in this document. This document is designed to guide LPS schools and personnel in dealing with student discipline issues, while providing students and parents with a clear set of expectations regarding student behavior and an understanding of the consequences of misconduct.

These policies and procedures will be periodically reviewed and the lists of offenses for which students are subject to suspension or involuntarily transferred will be modified as necessary.

These policies and procedures will be enforced fairly, uniformly, and consistently without regard to race, creed, color, sex, or any other prohibited classification.

### **Student Due Process**

The LPS Board of Trustees shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices and appeals as specified in administrative regulation.

### **Suspension**

Definition: Suspension is the temporary removal of a student from class instruction for adjustment or disciplinary reasons. It can include an in-school suspension at the discretion of the school, assuming adequate space and supervision. A suspension does not mean any of the following:

1. Reassignment to another class at the same school where the student will receive continuing instruction for the school.
2. Referral to an advisor assigned that role by the Principal.

While on suspension from school, the student is not to loiter on or about any school grounds at any time, nor to attend any LPS voluntary activity at any time, no matter where such activity may be taking place. Violation may result in further disciplinary action.

Except in cases where suspension for a first offense is warranted in accordance with law, each school site shall consider suspension from school only when other means have not been successful or where the student's presence would constitute a danger to persons or property or seriously disrupt the educational process.

*Authority to Suspend:*

1. A teacher may suspend a student only from his/her classroom for the day of the suspension plus the following school day.
2. The Principal or his/her designee may suspend a student from class, classes or the school campus for a period not to exceed five school days.
3. The CEO or his/her designee may extend a student's suspension pending final decision by the LPS Disciplinary Review Committee or Hearing Officer (as authorized by the LPS Board of Trustees) on a recommendation for expulsion (involuntarily transferred). This Committee may consist of the Director of Student Services, his/her designee(s), other LPS administrators, and other LPS school personnel (Counselors, Deans, etc.).
4. A Special Education student being considered for Expulsion may be suspended for ten (10) consecutive days pending the outcome of the Manifestation Determination IEP procedure in accordance with the Individuals With Disability Act (IDEA). (See section: Suspension and Expulsion of students with disabilities).

A pupil may not be suspended or expelled for any of the acts enumerated unless the act is related to school activity or school attendance occurring within a school under the jurisdiction of the CEO or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in the section and related to school activity or attendance that occur at any time, including, but not limited to any of the following:

1. While on school grounds.
2. While going to or coming from school.
3. During the lunch period whether on or off the campus.
4. During, or while going to or coming from, a school sponsored activity.

A pupil may also be suspended or expelled for engaging in any activity, on or off campus, that interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including but not limited to, conduct that may reasonably be considered to: (a) be a threat or an attempted intimidation of a staff member; or (b) endanger the health or safety of students, staff, or school property; or (c) can be shown to cause a substantial disruption to school operations.

### **Grounds for Suspension and Expulsion**

The following information is designed to provide uniformity within LPS in matters of student misconduct requiring disciplinary action.

The following offenses constitute grounds for suspension and expulsion and may require police notification:

- **Physical Injury:** Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense. Notification to police at the discretion of school officials.
- **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. Notification to police 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. Notification to police 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. Notification to police at the discretion of school officials.
- **Robbery or Extortion:** Committed or attempted to commit robbery or extortion. Notification to police at the discretion of school officials.
- **Damage to Property:** Caused or attempted to cause damage to school property or private property. Notification to police at the discretion of school officials

- **Theft of Property:** Stole or attempted to steal school property or private property  
Notification to police at the discretion of school officials.
- **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 with the consent of a school official.
- **Obscenity/Profanity:** Committed an obscene act or engaged in habitual profanity or vulgarity.
- **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. Notification to police at the discretion of school officials.
- **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. Notification to police at the discretion of school officials.
- **Received Stolen Property:** Knowingly received stolen school property or private property. Notification to police at the discretion of school officials.
- **Imitation Firearm:** Possessed an imitation firearm. *Definition of Imitation Firearm:* 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. Notification to police at the discretion of school officials
- **Sexual Assault/Sexual Battery:** 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. Notification to police required.  
*Definition of Sexual Assault:* includes rape, various types of sexual abuse, and lewd and lascivious conduct. (Penal Code 261, 266c, 286, 288, 288a, 289.)  
*Definition of Sexual Battery:* 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).
- **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. Notification to police at the discretion of school officials.

- **Sexual Harassment:** Committed sexual harassment.  
*Definition of Sexual Harassment:* 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.  
*Limitation:* Sexual harassment must be unwelcomed by the recipient in order to constitute a violation. Notification to police at the discretion of school officials
- **Hate Violence:** Caused, attempted to cause, threatened to cause, or participated in an act of hate violence.  
*Definition of Hate Violence:* 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." Notification to police at the discretion of school officials
- **Intentional Harassment:** Created a hostile educational environment.  
*Definition of Intentional Harassment:* 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 terroristic threat against school officials, school property or both.  
*Definition of Terroristic 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 at the discretion of school officials
- **Hazing:** Engaged in hazing activities or any act that causes or is likely to cause personal humiliation or disgrace.
- **Vandalism/Malicious Mischief:** Defaced, damaged or destroyed any school property including, books, supplies of all kinds, equipment, buildings and grounds.  
*Note:* Parents can be held financially liable for damages up to \$10,000 and shall also be liable for the amount of any reward not exceeding \$10,000 pursuant to Section

53069.5 of the Government Code. Notification to police at the discretion of school officials

If a student is expelled for one of the above reasons, the school should provide this information to the district of residence.

### **Procedures in Cases Requiring Suspension**

**Step One:** The school site administrator or teacher investigates the incident and determines whether or not it 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:** The school site administrator determines the appropriate length of the suspension (up to five school days). *Note:* A teacher may suspend a student only from his/her classroom for the day of the suspension plus the following school day. In the case of a teacher initiated classroom suspension, the teacher will make contact with the student's parent to explain the reason for the suspension.

**Step Three:** 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 suspension, a school employee will make a reasonable effort to contact the student's parents in person or by telephone.*** 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:** School site administrator fills out a Notice of Suspension Form. The parent will be given written notice of the suspension using this form. A copy of this form is also sent to the LPS home office and placed in the student's cumulative file at the school site.

**Step Five:** School site administrator determines whether the offense warrants a police report. State law requires that LPS report certain offenses to law enforcement authorities. If so, the police are called as soon as possible. In addition to the offenses listed under "Grounds for Suspension and Expulsion" that require a police report, school personnel are 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.

- 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.
- Actual or suspected sexual abuse or physical abuse of any minor child. A report must be made to a child protection agency.
- An attack or assault on, or the menacing of, any school employee by a student.
- 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.
- Acts of school misconduct in violation of court imposed conditions on probation.
- Truancy of any student under court ordered mandatory attendance.

Step Six: The school site administrator informs teachers of each student who has engaged in, or been suspected to have been engaged in, any misconduct for which the student can be suspended other than for use and possession of tobacco products. The information must be maintained in confidence, and only transmitted to teachers and supervisory personnel.

Appeals Process:

A student or the student's parents/guardians may appeal those disciplinary actions imposed upon a student for his/her school related offenses.

Appeals must be made first in writing at the school level, and should be directed to the principal. The principal or principal's designee will attempt to resolve the appeal with a written response within ten (10) school days.

After appeal at the school level, if further appeal is desired, the appeal should be made to LPS and should be directed to the CEO or the CEO's designee for resolution with a written response within fifteen (15) school days.

After appeal at the LPS administrative level, if further review is desired, the appeal may be forwarded to the LPS Disciplinary Review Committee or Hearing Officer for resolution with a written response within 20 school days. If any appeal is denied, the parent may place a written rebuttal to the action in the student's file.

### **Expulsions (Involuntary Transfers)**

*Definition:* Expulsion is the involuntary removal of a student from all schools and programs of LPS 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.

In the event that a student is recommended for Expulsion from LPS, he or she is entitled to a hearing, advance written notice of the rights and responsibilities set forth in the LPS Suspension and Expulsion Policies and Procedures. Written notice of these due process rights shall be provided at least 10 days in advance of the date set for the hearing.

Expulsion proceedings for a currently identified Special Education student require additional due process procedures. LPS will follow all due process procedures for Special Education students included in this document and in accordance with the Individuals with Disabilities Education Improvement Act (IDEA).

While under Expulsion from Leadership Public Schools, a student may not enroll in another California school district without the permission of the district of residence or the receiving district. The district of residence shall be notified upon the decision to expel a student from Leadership Public Schools.

The LPS Disciplinary Review Committee or Hearing Officer, upon reaching the decision to recommend expulsion, 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 LPS Disciplinary Review Committee or Hearing Officer's determination as to whether the pupil has satisfactorily completed the rehabilitation program.

### **Expulsion Offenses include:**

#### **Category I - Mandatory Expulsion**

Under the mandatory provisions, a student who has committed one or more of the following acts **must be recommended for Expulsion** and the LPS Board of Trustees Sub-Committee **must Expel** the student.

- Possessing, selling or otherwise furnishing a firearm when an LPS employee verified firearm possession;

- Brandishing a knife at another person (note that simply possessing a knife does not result in a mandatory involuntary transfer although an involuntary transfer is not precluded).
- Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code; or
- Committing or attempting to commit a sexual assault or committing sexual battery.

A Mandatory Expulsion should be reported to the school district of residence and this communication should be documented in writing. A copy of the letter sent to the district or a written memo to the file regarding conversations with the district on this matter are acceptable.

### **Category I - Mandatory Recommendation for Expulsion**

Under the mandatory provision, a student who has committed one of the following acts of misconduct must be **recommended for Expulsion** unless particular circumstances render it inappropriate.

- Causing serious physical injury to another person, except in self-defense;
- Possession of any knife, explosive, or other dangerous object of no reasonable use to the student;
- 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;
- Robbery or extortion; or
- Assault or battery upon a school employee.

### **Category II - Expulsion May Be Recommended**

In accordance with the LPS Suspension and Expulsion Procedures and by direction of the California Board of Education, a student may be considered for Expulsion for committing any act not listed in Category I or II.

Note: The LPS Disciplinary Review Committee or Hearing Officer's decision to expel a student for violations included in Categories I and II must be based on a finding of one or both of the following:

1. Other means of correction are not feasible or have repeatedly failed to bring about the proper conduct.
2. Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.

### **Procedures in Cases Requiring the Extension of Suspension and/or Expulsion**

Step One: School site administrator investigates an incident and determines whether the offense results in a recommendation for Expulsion. If so, the administrator follows the procedures to suspend the student outlined above.

Step Two: A meeting is held within five school days of the student's suspension to extend the suspension. The student and his/her parent or guardians are invited to attend this meeting with the Director of Student Services of LPS or his/her designee. School site administrators or teachers may also be present.

At this meeting the offense and repercussions are discussed. An extension of the suspension may be granted only if the Director or his/her designee has determined that the presence of the student at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process. If the student has committed an offense that requires a mandatory Expulsion recommendation, this is discussed and understood by all parties.

Step Three: A letter from LPS is sent to the student and parent or guardian regarding the Expulsion hearing. This letter notifies the student and parent or guardian when and where the Expulsion hearing will take place and the rights of the student with respect to the hearing as provided in the LPS Suspension and Expulsion Procedures and Parent's Rights.

The Expulsion hearing must occur within thirty days of the offense, unless the student and parent or guardians request a postponement.

Step Four: The school site administrator files papers that are available for review by the student and his/her parent or guardian. These papers may include, but are not limited to, the following: A record of student attendance and grades; a record of previous infractions, a statement of the facts surrounding the case made by a site administrator; a statement of the facts surrounding the case made by a witness.

Step Five: The student and his/her advocate, may prepare their presentation to the LPS Disciplinary Review Committee or Hearing Officer and, if necessary, subpoena witnesses. The student's advocate is any person (attorney or non-attorney) of the student's choice who is willing and able to represent the student at the Expulsion hearing.

Step Six: An Expulsion hearing is held. The hearing will follow the procedures identified in the Suspension and Expulsion Procedures and Parent Right for LPS Students. This hearing cannot be held within less than ten days from when the letter in Step Three is provided in order to give the student and his/her advocate time to prepare for the hearing unless the student and family/guardian waive their rights to ten days' notice.

The LPS Disciplinary Review Committee or Hearing Officer will conduct the Expulsion hearing. A record of the hearing will be made and, if necessary, a translator will be present at the hearing.

Step Seven: The LPS Disciplinary Review Committee or Hearing Officer shall determine whether to recommend the Expulsion of the pupil to the LPS Board Disciplinary Sub-Committee.

If the LPS Disciplinary Review Committee or Hearing Officer recommends expulsion, findings of facts in support of the recommendation shall be prepared and submitted to the LPS Board Disciplinary Sub-Committee. All findings and recommendations shall be based solely on the evidence introduced at the hearing.

The decision of the LPS Disciplinary Review Committee or Hearing Officer to recommend expulsion, shall be based on substantial evidence relevant to the charges introduced at the Expulsion hearing or hearings. If the LPS Disciplinary Review Committee or Hearing Officer decides not to recommend the expulsion, the expulsion proceedings shall be terminated and the pupil immediately shall be reinstated and permitted to return to school. The decision not to recommend expulsion shall be final.

Step Eight: Within ten days after the Expulsion Hearing, the final decision to expel will be made by the LPS Board Disciplinary Sub-Committee and the decision communicated to the parents.

Leadership Public Schools will provide the expelled student with all the assistance necessary to enroll in his/her local school district.

Step Nine: The decision to expel a student may be appealed to the Board of Trustees of Leadership Public Schools or their designee (Superintendent's Board Panel). Any appeal must be made in writing, within 15 days of the decision to expel.

Step Ten: The parents or guardians of an expelled student will be invited to submit their appeal in person at a meeting with the Superintendent's Board Panel. A representative of the Disciplinary Review Committee will attend the meeting to present the case.

Step Eleven: Within three school days after the hearing, the Superintendent's Board Panel will determine the disposition of the appeal and communicate the decision to the parents in writing.

## **SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)**

A student identified as an individual with disabilities pursuant to the Individuals with Disabilities Education Act (IDEA) is subject to the same grounds for suspension and expulsion which apply to students without disabilities.

### **Procedures for Students Not Yet Eligible for Special Education Services**

A student who has not been officially identified as a student with disabilities pursuant to IDEA and who has engaged in behavior that violated the LPS Student Code of Conduct, may assert any of the protections under IDEA only if the district *had knowledge* that the student is disabled before the behavior that precipitated the disciplinary action occurred. (20 USC 1415(k)(5); 34 CFR 300.534)

Leadership Public Schools shall be deemed to *have knowledge* that the student has a disability if one of the following conditions exists: (20 USC 1415(k)(5); 34 CFR 300.534):

1. The parent/guardian has expressed concern to LPS supervisory or administrative personnel in writing, or to a teacher of the student, that the student is in need of special education or related services.
2. The parent/guardian has requested an evaluation of the student for special education pursuant to 34 CFR 300.300-300.311.  
(*cf. 6164.4 - Identification and Evaluation of Individuals for Special Education*)
3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or to other supervisory district personnel about a pattern of behavior demonstrated by the student.

Leadership Public Schools would be deemed to *not have knowledge* that a student is disabled if the parent/guardian has not allowed the student to be evaluated for special education services or has refused services. In addition, LPS would be deemed to *not have knowledge* if LPS conducted an evaluation pursuant to 34 CFR 300.300-300.311 and determined that the student was not an individual with a disability. When LPS is deemed to not have knowledge of the disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(5); 34 CFR 300.534)

### **Suspension of a Student With Disabilities:**

The Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536. (Education Code 48903; 34 CFR 300.530)

The principal or designee shall monitor the number of days, including portions of days, in which a student with a valid individualized education program (IEP) has been suspended during the school year.

## **Manifestation Determination**

The following procedural safeguards shall apply when a student with disabilities is suspended for more than 10 consecutive school days, when a series of removals of a student constitutes a pattern, or when a change of placement of a student is contemplated due to a violation of the LPS Student code of conduct:

1. Notice: On the date the decision to take disciplinary action is made, the parents/guardians of the student shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

*(cf. 5145.6 - Parental Notifications) (cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)*

2. Manifestation Determination Review: Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

At the manifestation determination review, LPS School Officials, the student's parent/guardian, and relevant members of the IEP team (as determined by LPS and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following: (20 USC 1415(k)(1)(E); 34 CFR 300.530)

- a. Caused by or had a direct and substantial relationship to the student's disability
- b. A direct result of the district's failure to implement the student's IEP, in which case the district shall take immediate steps to remedy those deficiencies. AR 5144.2(d)

If the manifestation review team determines that a condition in either #a or #b above was met, the conduct shall then be determined to be a manifestation of the student's disability. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

3. Determination that Behavior is a Manifestation of the Student's Disability: When the conduct has been determined to be a manifestation of the student's disability, the IEP team shall conduct a functional behavioral assessment, unless a functional behavioral assessment had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavior intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

The student shall be returned to the placement from which he/she was removed, unless the parent/guardian and district agree to a change of placement as part of the modification of the behavioral intervention plan. (20 USC 1415(k)(1)(F); 34 CFR 300.530)  
(*cf.* 6159.4 - *Behavioral Interventions for Special Education Students*)

1. Determination that Behavior is Not a Manifestation of the Student's Disability: If the manifestation determination review team determines that the student's behavior was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

## **QUESTIONING AND APPREHENSION**

Law enforcement officers have the right to interview and question students on school premises. When such an interview is requested, the principal or designee shall ascertain the officer's identity, official capacity, and the authority under which he/she acts. If the officer needs to interview or question the student immediately, the principal or designee shall accommodate the process in a way that causes the least possible disruption to the school, gives the student appropriate privacy, and models exemplary cooperation with community law enforcement authorities.

At the law officer's discretion and with the student's approval, the principal or designee may be present during the interview.

If the law officer finds it necessary to remove the student from school, the principal or designee shall first ascertain the reason for such action. Upon releasing the student, the principal or designee shall immediately attempt to inform the student's parent/guardian.

Personnel responsible for releasing a student from school custody shall exercise extreme diligence to prevent such release to any unauthorized or unidentified person.

## **Subpoenas**

Although subpoenas may legally be served at school, the Board believes that serving officials should be strongly urged to serve subpoenas at the home of the student whenever possible. In these situations, steps should be taken to ensure a minimum of embarrassment or loss of class time for the student.

## **SEARCH AND SEIZURE**

As necessary to protect the health, safety and welfare of students and staff, school officials may search students, their property and/or LPS property under their control, and may seize illegal, unsafe and prohibited items. The Board of Trustees requires that discretion, good judgment and common sense be exercised in all cases of search and seizure.

### **Individual Searches**

School officials may search individual students, their property and LPS property under their control, when there is a reasonable suspicion that the search will uncover evidence that the student is violating the law, Board policy, administrative regulation, or other LPS rules or the school's code of conduct.

Employees shall not conduct strip searches or body cavity searches of any student.

Searches of individual students shall be conducted in the presence of at least two LPS employees.

The principal or designee shall notify the parent/guardian of a student subjected to an individualized search as soon as possible after the search.

### **Student Lockers/Desks**

The principal or designee may conduct a general inspection of school properties that are within the control of students, such as lockers and desks, on a regular, announced basis, with students standing by their assigned lockers or desks. Any items contained in a locker or desk shall be considered to be the property of the student to whom the locker or desk was assigned.

Because lockers and desks are under the joint control of the student and LPS, school officials shall have the right and ability to open and inspect any school locker or desk without student permission or prior notice when they have reasonable suspicion that the search will uncover evidence of illegal possessions or activities or when odors, smoke, fire and/or other threats to health, welfare or safety emanate from the locker or desk.

### **FREEDOM OF SPEECH/EXPRESSION**

The LPS Board of Trustees believes that free inquiry and exchange of ideas are essential parts of a democratic education. The Board respects students' rights to express ideas and opinions, take stands on issues, and support causes, even when such speech is controversial or unpopular.

#### **On-Campus Expression**

Students shall have the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications.

Students are prohibited from making any expressions or distributing or posting any materials that are obscene, libelous, or slanderous. Students also are prohibited from making any expressions that so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, the violation of school rules, or substantial disruption of the school's orderly operation. (*cf.* 5145.7 - *Sexual Harassment*) (*cf.* 5145.9 - *Hate-Motivated Behavior*)

The use of "fighting words" or epithets is prohibited in those instances where the speech is abusive and insulting, rather than a communication of ideas, and the speech is used in an abusive manner in a situation that presents an actual danger that it will cause a breach of the peace.

The Superintendent or designee shall not discipline any high school student solely on the basis of speech or other communication that would be constitutionally protected when engaged in outside of school, but may impose discipline for harassment, threats, or intimidation unless constitutionally protected.

### **Off-Campus Expression**

A student shall be subject to discipline for off-campus expression, including expression on off-campus Internet web sites, when such expression poses a threat to the safety of other students, staff, or school property, or substantially disrupts the educational program.

The Superintendent or designee shall document the impact the expression had or could be expected to have on the school program.

### **“ELECTRONIC ACT”**

As used in this section, an "electronic act" means the transmission of a communication, including, but not limited to, a message, text, video, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager.

A pupil may also be suspended or expelled for engaging in any “Electronic Act” or activity, on or off campus, that interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including but not limited to, conduct that may reasonably be considered to: (a) be a threat or an attempted intimidation of a staff member; or (b) endanger the health or safety of students, staff, or school property; or (c) can be shown to cause a substantial disruption to school operations.

# **LEADERSHIP PUBLIC SCHOOLS, INC.**

## **BYLAWS**

**(ADOPTED JANUARY 7, 2005)**

**(REVISED AND ADOPTED OCTOBER 20, 2007)**

**(REVISED AND ADOPTED JUNE 14, 2009)**

# **BYLAWS**

for the regulation, except as otherwise provided  
by statute or its Articles of Incorporation,

of

## **LEADERSHIP PUBLIC SCHOOLS, INC.**

a California Nonprofit Public Benefit Corporation

### **I. MEMBERSHIP/SPECIFIC PURPOSE**

The specific purpose of this corporation is to establish and operate public charter schools that provide a free education to students in grade school, middle school and high school.

The corporation has no members. The rights which would otherwise vest in the members vest in the directors of the corporation (hereinafter the directors shall be individually be referred to as "Trustees" and collectively as the "Board") of Leadership Public Schools, Inc. (hereinafter "LPS"). For purposes of Corporations Code compliance, "Trustee(s)" shall mean "Director(s)."

### **II. BOARD OF TRUSTEES**

#### **A. Powers**

The Board shall conduct or direct the affairs of the corporation and exercise its powers, subject to the limitations of the California Nonprofit Public Benefit Corporation Law, the Articles of Incorporation and these Bylaws. The Board may delegate the management of the activities of the corporation to others, so long as the affairs of the corporation are managed, and its powers are exercised, under the Board's ultimate jurisdiction.

Without limiting the generality of the powers here granted to the Board, but subject to the same limitations, the Board shall have all the powers enumerated in these Bylaws, and the following specific powers:

1. To elect and remove Trustees.
2. To select and remove officers, agents and employees of the corporation; to prescribe powers and duties for them; and to fix their compensation.
3. To conduct, manage and control the affairs and activities of the corporation, and to make rules and regulations.

4. To enter into contracts, leases and other agreements which are, in the Board's judgment, necessary or desirable.

5. To carry on a business for profit and apply any profit that results from the business activity to any activity in which the corporation may engage.

6. To act as trustee under any trust incidental to the corporation's purposes, and to receive, hold, administer, exchange and expend funds and property subject to such a trust.

7. To acquire real or personal property, by purchase, exchange, lease, gift, devise, bequest, or otherwise, and to hold, improve, lease, sublease, mortgage, transfer in trust, encumber, convey or otherwise dispose of such property.

8. To borrow money, incur debt, and to execute and deliver promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, hypothecations and other evidences of debt and securities.

9. To lend money and accept conditional or unconditional promissory notes therefore, whether interest or non-interest bearing, or secured or unsecured.

10. To indemnify and maintain insurance on behalf of any of its Trustees, officers, employees or agents for liability asserted against or incurred by such person in such capacity or arising out of such person's status as such, subject to the provisions of the California Nonprofit Public Benefit Law and the limitations noted in these Bylaws.

#### **B. Number of Trustees**

The number of Trustees of the corporation shall be neither less than 9 nor more than 25. The Board shall fix the exact number of Trustees, within these limits, by Board resolution or amendment of the Bylaws.

#### **C. Election of Trustees**

1. Election. The LPS CEO shall automatically be a Trustee. The Board shall elect the remaining Trustees by the vote of a majority of the Trustees then in office, whether or not the number of Trustees in office is sufficient to constitute a quorum, or by the vote of the sole remaining Trustee.

2. Eligibility. The Board may elect any person who in its discretion it believes will serve the interests of the corporation faithfully and effectively. In addition to other candidates, the Board will consider the following nominees:

a. A parent or legal guardian of an active LPS student at the time of election, who is designated by the LPS Parents' Association of a rotating LPS school as determined by the CEO to represent the LPS Parents (the "Parent Representative").

b. After 2011, an alumna or alumnus of one of the LPS schools who has been nominated by the CEO to represent the Alumni of LPS (the "Alumni Representative").

c. An LPS teacher of a rotating LPS school as determined by the CEO, selected by the LPS faculty of that school (the "LPS Faculty Representative").

d. An LPS student, selected by the LPS student body of a rotating LPS school as determined by the CEO (the "LPS Student Representative").

3. Interested Persons. Not more than 49% of the persons serving on the Board may be interested persons. An "interested person" is: (1) any person currently being compensated by the corporation for services rendered to it within the previous 12 months, whether as a full-time or part-time employee, independent contractor or otherwise, excluding any reasonable compensation paid to a Trustee as Trustee; or (2) any sister, brother, ancestor, descendant, spouse, sister-in-law, brother-in-law, daughter-in-law, son-in-law, mother-in-law or father-in-law of any such person.

#### 4 Term of Office

a. The term of office of all members of the Board of Trustees shall be three years, with the following exceptions:

(1) The term of any Trustee who is the Parent/Legal Guardian, Alumni, LPS Faculty or LPS Student Representative shall be one year.

(2) The Board may at its discretion and for good reason elect by majority vote a trustee for a term of less than three years.

b. No Trustee, other than a Trustee serving as a corporate officer may serve for more than six (6) consecutive years, provided however, that the board may at its discretion and for good reason elect a Trustee for one or more additional terms of one year without regard to the number of consecutive years such Trustee has already served.

c. The term of office of a Trustee elected to fill a vacancy in these Bylaws begins on the date of the Trustee's election, and continues: (1) for the balance of the unexpired term in the case of a vacancy created because of the resignation, removal, or death of a Trustee, or (2) for the term specified by the Board in the case of a vacancy resulting from the increase of the number of Trustees.

d. A Trustee's term of office shall not be shortened by any reduction in the number of Trustee resulting from amendment of the Articles of Incorporation or the Bylaws or other Board action.

e. A Trustee's term of office shall not be extended beyond that for which the Trustee was elected by amendment of the Articles of Incorporation or the Bylaws or other Board action.

5. Time of Elections. The Board shall elect Trustees at the Annual Meeting for that year, or at a Regular Meeting designated for that purpose, or at a Special Meeting called for that purpose.

**D. Removal of Trustees**

The Board may remove a Trustee without cause as provided by the California Nonprofit Public Benefit Corporation law. Without limiting the Board's right to remove a Trustee without cause, the Board may remove any Trustee:

1. Who has failed to attend two or more of the Board's Regular Meetings in any calendar year;
2. Who has been declared of unsound mind by a final order of court;
3. Who has been convicted of a felony;
4. Who has been found by a final order or judgment of any court to have breached any duty imposed by the California Nonprofit Public Benefit Corporation Law; or
5. For such other reason as the Board may determine.

**E. Resignation by Trustee**

A Trustee may resign by giving written notice to the Board Chair or Secretary. The resignation is effective on the giving of notice, or at any later date specified in the notice. A Trustee may not resign if the Trustee's resignation would leave the corporation without a duly elected Trustee in charge of its affairs, without first giving notice to the California Attorney General.

**F. Vacancy**

A vacancy is deemed to occur on the effective date of the resignation of a Trustee, upon the removal of a Trustee, upon declaration of vacancy pursuant to these Bylaws, or upon a Trustee's death. A vacancy is also deemed to exist upon the increase by the Board of the authorized number of Trustees.

**G. Compensation of Trustees**

Trustees shall serve without compensation. However, the Board may approve reimbursement of a Trustee's actual and necessary expenses while conducting corporation business.

### **III. PRINCIPAL OFFICE**

The corporation's principal office shall be at 2601 Mission Street, 9<sup>th</sup> Floor, San Francisco, CA 94110, or at such other place as the Board may select by resolution or amendment of the Bylaws. The Secretary shall note any change in principal office on the copy of the Bylaws maintained by the Secretary.

### **IV. MEETINGS OF THE BOARD**

All meetings of the Board shall be conducted in accordance with the Brown Act (Govt. Code 54950 et seq.).

#### **A. Place of Meetings**

Board Meetings shall be held at the corporation's principal office or at any other reasonably convenient place as the Board may designate.

#### **B. Annual Meetings**

An Annual Meeting shall be held in May of each year for the purpose of electing Trustees, making and receiving reports on corporate affairs, and transacting other business as comes before the meeting.

#### **C. Regular Meetings**

Regular Meetings shall be held at various times within the year as the Board determines.

#### **D. Special Meetings**

A Special Meeting shall be held at any time called by the Chair or by any three (3) Trustees.

#### **E. Adjournment**

A majority of the Trustees present at a meeting, whether or not a quorum, may adjourn the meeting to another time and place. Notice of the time and place of holding an adjourned meeting need not be given to absent Trustees if the time and place is fixed at the meeting adjourned, except if the meeting is adjourned for longer than 24 hours, notice of the adjournment shall be given as specified in these Bylaws.

#### **F. Notices**

Notices of Board Meetings shall be given as follows:

1. Annual Meetings and Regular Meetings: At least 72 hours prior to the regular meeting, the Board must post an agenda containing a brief general description of each item to be discussed or transacted at the meeting, including items to be discussed in closed session.

2. Special Meetings: Notice of a special meeting along with an agenda containing a brief general description of each item to be discussed or transacted at the meeting, including items to be discussed in closed session, must be provided 24 hours in advance of the meeting to all the Board and to all media outlets who have requested notification. The notice must also be posted at least 24 hours prior to the meeting.

## **V. ACTION BY THE BOARD**

### **A. Quorum**

A quorum consists of one-third of the fixed number of Trustees.

### **B. Action by the Board**

1. Actions Taken at Board Meetings. The actions taken and decisions made by a majority of the Trustees present at a meeting duly held at which a quorum is present are the actions and decisions of the Board, except for purposes of electing Trustees, appointing committees and delegating authority thereto, or amending the corporation's Bylaws, where the action of a majority of Trustees then in office is required by the California Nonprofit Public Benefit Corporation Law or as set out in these Bylaws.

The Board may continue to transact business at a meeting at which a quorum was originally present, even though Trustees withdraw, provided that any action taken is approved by at least a majority of the quorum required.

2. Actions Without a Meeting. The Board may take any required or permitted action without a meeting if all the Trustees individually or collectively consent in writing to the taking of that action. Such consent shall have the same effect a unanimous vote of the Board, and shall be filed with the minutes of the Board proceedings.

3. Meeting By Telephone or Other Telecommunications Equipment. Any Board of Directors meeting may be held by conference telephone, video screen communication, or other communications equipment. Participation in a meeting under this Section shall constitute presence in person at the meeting if all of the following apply:

- (a) Each member participating in the meeting can communicate concurrently with all other members.
- (b) Each member is provided the means of participating in all matters before the Board, including the capacity to propose, or to interpose an objection to, a

specific action to be taken by the corporation.

- (c) The Board of Directors has adopted and implemented a means of verifying both of the following:
  - (i) Whether a person communicating by telephone, video screen, or other communications equipment is a director entitled to participate in the Board of Directors meeting or a member of the public entitled to participate during such portions of the meeting that are open to the public.
  - (ii) All statements, questions, actions or votes were made by that director and not by another person not permitted to participate as a director.
- (d) The meeting is held and conducted in accordance with the terms and provisions of the Ralph M. Brown Act, California Government Code Sections 54950, et seq., as said chapter may be modified by subsequent legislation.

### C. Committees

1. Appointment of Committees. The Board may appoint one or more Board Committees by vote of the majority of Trustees. A Board Standing Committee will consist of not less than two Trustees, who shall serve at the pleasure of the Board.

2. Authority of Board Committees. The Board may delegate to a Board committee any of the authority of the Board, except with respect to:

- a. The election of Trustees.
- b. Filling vacancies on the Board or any committee which has the authority of the Board.
- c. The amendment or repeal of any Board resolution.
- d. The fixing of any compensation for serving on the Board or any committee.
- e. The amendment or repeal of Bylaws or the adoption of new Bylaws.
- f. The appointment of other committees of the Board, or the members of the committees.

g. The expenditure of corporate funds to support a nominee for Trustee.

h. The approval of any self-dealing transaction, as defined by the California Nonprofit Public Benefit Corporation Law.

3. Procedures of Committees. The Board may prescribe the manner in which the proceedings of any Board Committee are to be conducted. In the absence of such prescription, a Board Committee may prescribe the manner of conducting its proceedings, except that the regular and special meetings of the Committee are governed by the provisions of these Bylaws with respect to the calling of meetings.

#### D. **Standard of Care**

1. Performance of Duties. Each Trustee shall perform all duties of a Trustee, including duties on any Board Committee, in good faith, in a manner the Trustee believes to be in the corporation's best interest and with such care, including reasonable inquiry, as an ordinary prudent person in a like position would use under similar circumstances.

2. Reliance on Others. In performing the duties of a Trustee, a Trustee shall be entitled to rely on information, opinions, reports or statements, including financial statements and other financial data, presented or prepared by:

a. One or more officers or employees of the corporation whom the Trustee believes to be reliable and competent in the matters presented;

b. Legal counsel, independent accountants or other persons as to matters that the Trustee believes are within that person's professional or expert competence; or

c. A Board Committee on which the Trustee does not serve, as to matters within its designated authority, provided the Trustee believes the Committee merits confidence and the Trustee acts in good faith, after reasonable inquiry when the need is indicated by the circumstances, and without knowledge that would cause such reliance to be unwarranted.

3. Investments. In investing and dealing with all assets held by the corporation for investment, the Board shall exercise the standard of care described above and avoid speculation, looking instead to the permanent disposition of the funds, considering the probable income, as well as the probable safety of the corporation's capital. The Board may delegate its investment powers to others, provided that those powers are exercised within the ultimate direction of the Board. No investment violates this section where it conforms to provisions authorizing such investment contained in an instrument or agreement pursuant to which the assets were contributed to the corporation.

## **E. Rights of Inspection**

Every Trustee has the right to inspect and copy all books, records and documents of every kind and to inspect the physical properties of the corporation, provided that such inspection is conducted at a reasonable time after reasonable notice, and provided that such right of inspection and copying is not subject to the obligation to maintain the confidentiality of the reviewed information, in addition to any obligations imposed by any applicable federal, state or local law (e.g., FERPA, the Confidentiality in Medical Information Act etc.).

## **F. Participation in Discussions and Voting At Meetings**

Every Trustee present at a meeting has the right to participate in the discussion and vote on all issues before the Board or any Board Committee, except that any Trustee shall be excused from the discussion and vote on any matter involving: (a) a self-dealing transaction; (b) a conflict of interest, (c) indemnification of that Trustee; or (d) any other matter at the discretion of a majority of the Trustees then present.

## **G. Duty to Maintain Board Confidences**

Pursuant to the Brown Act, meetings, votes and discussions by the Board and Board committees are open to the public subject to certain limited closed session exceptions. In the case of meetings, votes and discussions conducted in closed session, every Trustee has a duty to maintain the confidentiality of such Board actions, including discussions and votes. Any Trustee violating this confidence may be removed from the Board.

# **VI. OFFICERS**

## **A. Officers**

The officers of the corporation consist of a Chair, a President, a Secretary and a Chief Financial Officer (hereinafter "Treasurer"). The corporation also may have such other officers as the Board deems advisable.

1. Chair. Subject to Board control, the Chair has general supervision, direction and control of the affairs of the corporation, and such other powers and duties as the Board may prescribe. If present, the Chair shall preside at Board meetings

2. President. The President (who is referred to as CEO or Executive Director) is responsible for the day-to-day operation of the Corporation, including performing the Chair's duties if the Chair is disabled or not present. The President shall have other such powers and perform such other duties as the Board may prescribe.

3. Secretary. The Secretary shall: (a) keep or cause to be kept, at the corporation's principal office, or such other place as the Board may direct a book of minutes of all meetings of the Board and Board Committees, noting the time and place of the meeting,

whether it was annual, regular or special (and if special, how authorized), the notice given, the names of those present, and the proceedings; (b) keep or cause to be kept a copy of the corporation's Articles of Incorporation and Bylaws, with amendments; (c) give or cause to be given notice of the Board and Committee meetings as required by the Bylaws; and (d) have such other powers and perform such other duties as the Board may prescribe.

4. Treasurer. The Treasurer shall: (a) keep or cause to be kept adequate and correct accounts of the corporation's properties, receipts and disbursements; (b) make the books of account available at all times for inspection by any Trustee; (c) deposit or cause to be deposited the corporation's monies and other valuables in the corporation's name and to its credit, with the depositories the Board designates; (d) disburse or cause to be disbursed the corporation's funds as the Board directs; (e) render to the Chair and the Board, as requested but no less frequently than once every fiscal year, an account of the corporation's financial transactions and financial condition; (f) prepare any reports on financial issues required by an agreement on loans; and (g) have such other powers and perform such other duties as the Board may prescribe.

## **B. Election, Eligibility and Term of Office**

1. Election. The Board shall elect the officers annually at the Annual Meeting or a Regular Meeting designated for that purpose or at a Special Meeting called for that purpose, except that officers elected to fill vacancies shall be elected as vacancies occur.

2. Eligibility. A Trustee may hold any number of offices, except that neither the Secretary nor Treasurer may serve concurrently as the Chair or President.

3. Term of Office. Each officer serves at the pleasure of the Board, holding office until resignation, removal or disqualification from service, or until his or her successor is elected.

## **C. Removal and Resignation**

The Board may remove any officer, either with or without cause, at any time. Such removal shall not prejudice the officer's rights, if any, under an employment contract. Any officer may resign at any time by giving written notice to the corporation, the resignation taking effect on receipt of the notice or at a later date of specified in the notice.

## **VII. NON-LIABILITY OF TRUSTEES**

Subject to applicable provisions of the California Nonprofit Public Benefit Corporation law, the Trustees shall not be personally liable for the corporation's debts, liabilities or other obligations.

## **VIII. INDEMNIFICATION OF CORPORATE AGENTS**

The corporation shall indemnify any Trustee, officer, employee or other agent of this corporation, who has been successful (1) on the merits in defense of any civil, criminal, administrative or investigative proceeding brought to procure a judgment against such person by reason of the fact that he/she is, or was, the corporation's agent, or (2) in defense of any claim, issue or matter therein. In such case, the corporation will provide indemnity against expenses actually and reasonably incurred by the person in connection with such proceeding.

If the corporate agent either settles any such claim or sustains a judgment against him/her, then indemnification against expenses, judgments, fines, settlements and other amounts reasonably incurred in connection with such proceedings shall be provided by this corporation but only to the extent allowed by, and in accordance with the requirements of, the California Nonprofit Public Benefit Corporation Law.

## **IX. INSURANCE FOR CORPORATE AGENTS**

The Board may adopt a resolution authorizing the purchase and maintenance of insurance on behalf of any Trustee, officer, employee or other agent of the corporation, against any liability other than for violating provisions of law relating to self-dealing asserted against or incurred by the agent in such capacity or arising out of the agent's status as such, whether or not the corporation would have the power to indemnify the agent against such liability under the provisions of the California Nonprofit Public Benefit Corporation Law.

## **X. SELF-DEALING TRANSACTIONS**

The corporation shall not engage in any self-dealing transactions, except as approved by the Board. "Self-dealing transaction" means a transaction to which the corporation is a party in which one or more of the Trustees has a material financial interest ("interested Trustee(s)"). Notwithstanding this definition, the following transactions are not self-dealing transactions, and are subject to the Board's general standard of care:

1. The Board's action of fixing a Trustee's compensation as a Trustee or corporate officer; or

2. A transaction which is part of a public or charitable program of the corporation, if the transaction (a) is approved or authorized by the corporation in good faith and without unjustified favoritism, and (b) results in a benefit to one or more Trustees or their families because they are in the class of persons intended to be benefited by the public or charitable program;

## **XI. OTHER PROVISIONS**

### **A. Fiscal Year**

The fiscal year of the corporation begins on July 1 of each year and ends on June 30 of the following year.

### **B. Execution of Instruments**

Except as otherwise provided in these Bylaws, the Board may adopt a resolution authorizing any officer or agent of the corporation to enter into any contract or execute and deliver any instrument in the name of or on behalf of the corporation. Such authority may be general or confined to specific instances. Unless so authorized, no officer, agent or employee shall have any power to bind the corporation by any contract or engagement, to pledge the corporation's credit, or to render it liable monetarily for any purpose or any amount.

### **C. Checks and Notes**

Except as otherwise specifically provided by Board resolution, checks, drafts, promissory notes, orders for the payment of money, and other evidence of indebtedness of the corporation may be signed by the President.

### **D. Construction and Definitions**

Unless the context otherwise requires, the general provisions, rules of construction, and definitions contained in the California Nonprofit Corporation Law shall govern the construction of these Bylaws. Without limiting the generality of the foregoing, words in these Bylaws shall be read as the masculine or feminine gender, and as the singular or plural, as the context requires, and the word "person" includes both a corporation and a natural person. The captions and headings in these Bylaws are for convenience of reference only and are not intended to limit or define the scope or effect of any provisions.

### **E. Conflict of Interest**

Any Trustee, officer, key employee, or committee member having an interest in a contract, other transaction or program presented to or discussed by the Board or Board Committee for authorization, approval, or ratification shall make a prompt, full and frank disclosure of his or her interest to the Board or committee prior to its acting on such contract or transaction.

Such disclosure shall include all relevant and material facts known to such person about the contract or transaction which might reasonably be construed to be adverse to the corporation's interest. The body to which such disclosure is made shall thereupon determine, by majority vote, whether the disclosure shows that a conflict of interest exists or can reasonably be construed to exist.

If a conflict is deemed to exist, such person shall not vote on, nor use his or her personal influence on, nor be present during the discussion or deliberations with respect to, such contract, other transaction or program (other than to present factual information or to respond to questions prior to the discussion). Before authorizing the transaction, the Board shall consider and in good faith decide after reasonable investigation that the Corporation could not obtain a more advantageous agreement with reasonable effort under the circumstances. The minutes of the meeting shall reflect the disclosure made, the vote thereon and, where applicable, the abstention from voting and participation. The Board may adopt conflict of interest policies requiring:

1. Regular annual statements from Trustees, officers, key employees to disclose existing and potential conflict in interest; and,
2. Corrective and disciplinary actions with respect to transgressions of such policies.

For the purpose of this section, a person shall be deemed to have an "interest" in a contract other transaction or program if he or she has a direct financial interest, is the party (or one of the parties) contracting or dealing with the corporation, or is a director, trustee or officer of, or has a significant financial or influential interest in the entity contracting or dealing with the corporation.

To ensure that the Corporation and the Board adhere to the highest ethical standards, and avoid both the existence and the appearance of conflict of interest, the Board may develop and adopt guidelines for itself and the Corporation addressing such issues as: (1) recusal guidelines for Directors and employees; (2) ethics policies; (3) privacy policies; and (4) document retention policies.

#### **F. Interpretation of Charter**

Whenever any provision of these Bylaws are in conflict with the provisions of any LPS school's charter, the provisions of these Bylaws control.

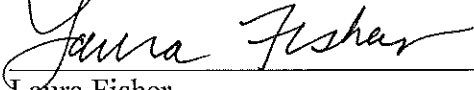
## **XII. AMENDMENT**

A majority of the Trustees may adopt, amend or repeal these Bylaws.

## CERTIFICATE OF SECRETARY

The undersigned does hereby certify that the undersigned is the Secretary of the Leadership Public Schools, Inc., a nonprofit public benefit corporation duly organized and existing under the laws of the State of California, that the foregoing Bylaws of said corporation were duly and regularly adopted as such by the Board of Trustees of said corporation, which Trustees are the only members of said corporation; and that the above and foregoing Bylaws are now in full force and effect.

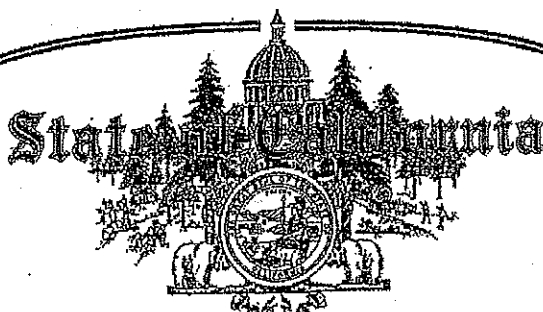
Dated: June 14, 2009 \

A handwritten signature in cursive script that reads "Laura Fisher". The signature is written in black ink and is positioned above a horizontal line.

Laura Fisher  
Secretary

LPS Articles of Incorporation

2278050



SECRETARY OF STATE

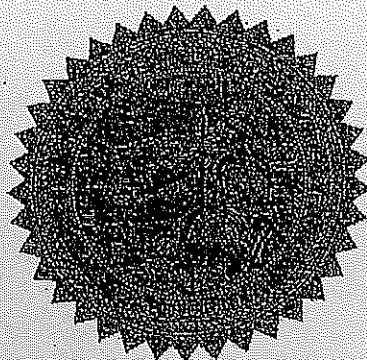
I, *BILL JONES*, Secretary of State of the State of California, hereby certify:

That the attached transcript of 2 page(s) has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.

*IN WITNESS WHEREOF*, I execute this certificate and affix the Great Seal of the State of California this day of

MAY 29 2002

Secretary of State



# Articles of Incorporation

2278050

## ARTICLES OF INCORPORATION

OF

## LEADERSHIP PUBLIC SCHOOLS, INC.

ENDORSED - FILED  
IN THE OFFICE OF THE  
SECRETARY OF STATE  
OF THE STATE OF CALIFORNIA

MAY 29 2002

WILL JONES, SECRETARY OF STATE

The undersigned Incorporator hereby executes the following Articles of Incorporation for the purpose of forming a corporation under the General Corporation Law of the State of California:

### ARTICLE I

The name of the corporation is: **LEADERSHIP PUBLIC SCHOOLS, INC.**

### ARTICLE II

- A. The corporation is a nonprofit **PUBLIC BENEFIT CORPORATION** and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for public and charitable purposes.
- B. The specific purpose of this corporation is to establish and operate schools, including but not limited to public charter schools that provide a free education to students in elementary school, middle school, and high school, and such other educational activities as the Board of Directors may define from time to time.

### ARTICLE III

The name and address in the State of California of this corporation's initial agent for service of process is:

Mark E. Kushner, Esq.  
70 Carmel Street  
San Francisco, CA 94117

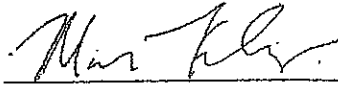
### ARTICLE IV

- A. This corporation is organized and operated exclusively for charitable purposes within the meaning of Internal Revenue Code Section 501(c)(3).
- B. No substantial part of the activities of the corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

ARTICLE V

The property of this corporation is irrevocably dedicated to charitable purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation or corporation which is organized and operated exclusively for charitable purposes and which has established its tax exempt status under Internal Revenue Code Section 501(c)(3).

IN WITNESS WHEREOF, the undersigned Incorporator has executed the foregoing Articles of Incorporation on May 28, 2002.



Mark E. Kushner  
Incorporator



VERIFICATION OF GOOD STANDING OF LEADERSHIP PUBLIC SCHOOLS  
NON-PROFIT CORPORATION

25241525887

CORPORATE RECORDS & BUSINESS REGISTRATIONS

This Record Last Updated:04/25/2003  
Database Last Updated:06-03-2003  
Update Frequency:WEEKLY  
Current Date:06/04/2003  
Source:AS REPORTED BY THE SECRETARY OF STATE OR  
OTHER OFFICIAL SOURCE

COMPANY INFORMATION

Name:LEADERSHIP PUBLIC SCHOOLS, INC.  
Address:70 CARMEL ST  
SAN FRANCISCO, CA 94117

FILING INFORMATION

Filing Date:05/29/2002  
State of Incorporation:CALIFORNIA  
Date Incorporated:05/29/2002  
Status:ACTIVE  
Corporation Type:NON-PROFIT  
Business Type:CORPORATION  
Address Type:MALLING  
Registration ID#:C2278050  
Where Filed:SECRETARY OF STATE/CORPORATIONS  
DIVISION  
1500 - 11TH STREET  
SACRAMENTO, CA 95814

REGISTERED AGENT INFORMATION

Agent Name:MARK KUSHNER  
Address:70 CARMEL ST  
SAN FRANCISCO, CA 94117

PRINCIPAL INFORMATION

Name:MARK KUSHNER  
Title:PRESIDENT  
Address:70 CARMEL ST  
SAN FRANCISCO, CA 94117

TAX INFORMATION

Franchise Tax Details:

Status:GOOD STANDING

ADDITIONAL DETAIL INFORMATION