

ELEMENT #10: Pupil Suspension and Expulsion

Element Requirement: "The procedures by which pupils can be suspended or expelled."

A. Disciplinary Policy

Students learn best in an environment where there are clear expectations about behavioral and community norms that allow them to feel safe and cared for. In order to maintain a positive learning community, LCW will develop and maintain a comprehensive set of student discipline policies through the work of a committee that includes all interested parents, guardians, students, and staff and is in accordance with California Education Code Section 48900.

A student handbook that describes these policies and is currently in use at LCS will be the first draft of this school's policies. The LCW handbook may evolve differently, while remaining in accordance with all legal requirements. Each family will receive a copy of these policies and be required to verify that they have reviewed them with their children at the time of enrollment or at the beginning of the school year.

Policies regarding suspension or expulsion will follow LAUSD guidelines and will conform to applicable state and federal laws regarding all students. Prior to expulsion, students will be accorded due process unless the student's conduct presents an immediate threat to the health or safety of others. Incidents that may warrant student expulsion will be handled in a manner consistent with California Education Code, Section 48918. LCW may seek the advice and guidance of, or work in conjunction with, LAUSD Pupil Services Department in accordance with District policy for handling expulsion recommendations.

The school will notify the district of any expulsions and will include suspension and expulsion data in the annual accountability report. Outcome data will be maintained including suspensions, expulsions and expulsion placements, reinstatements, and out-of-district expellees.

B. List of Offences

Suspension and Possible Expulsion: The LCW Principal may recommend a student for suspension or for expulsion upon a determination that the student has committed one of the acts listed below:

- Using tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, et al.
- Unlawfully possessed, used, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind
- Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5
- Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties
- 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 responsible person to conclude that the replica is a firearm unless, in the case of possession of any object of the type, the student had obtained written permission to possess the item from a certified school employee, with the administrator's or designee's concurrence.
- Caused or attempted to cause damage to school property or private property.
- Stole or attempted to steal school property or private property.
- Committed an obscene act or engaged in habitual profanity or vulgarity.
- Knowingly received stolen school property or private property.
- Engaged in, or attempted to engage in, hazing as defined in Education Code Section 32050.

- Aided or abetted the infliction or attempted infliction of physical injury to another person.
- Engaged in sexual harassment as defined in Education Code Section 48900.2.
- Engaged in harassment, threats, or intimidation directed against school district personnel or pupils as defined in Education Code Section 48900.4.

Made terrorist threats against school officials, school property or both as defined in Section 48900.7.

Mandatory Action: It is a federal mandate that a school suspends and expels any student who is determined to have brought a firearm to school. In addition, students shall be suspended or expelled upon determination that the student has committed one of the acts listed below:

- assault or battery upon any school employee—Section 48915(a)(5)
- brandishing a knife—Section 48915(c)(2)
- causing, attempting to cause or threatening to cause serious physical injury to another person, except in self-defense—Section 48915(a)(1)
- hate violence—Section 48900.3
- possession, selling, or furnishing of a firearm—Section 48915(c)(1)
- possession of an explosive—Section 48915(c)(5)
- robbery or extortion—Section 48915(a)(4)
- offering, negotiating a sale or selling a controlled substance—Section 48915(c)(3)
- committed or attempted to commit sexual assault or committing a sexual battery (as defined in Section 48900)—Section 48915(c)(4)
- 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

C. Due Process

Process for Suspension and/or Expulsion

- Progressive Behavioral Interventions

LCW will take a pro-active approach to discipline and behavior by implementing the Cool Tools curriculum, an innovative conflict resolution system. This curriculum is designed to foster a safe learning community, free from threats of physical, verbal, or non-verbal harassment of any kind. Further, all families will be provided with a clear written explanation of all behavioral expectations and disciplinary policies and procedures in advance of each school year in the form of the Student Handbook. Parents will be required to review all the information with their child and sign a behavioral contract with school prior to the start of the school year. Social development and appropriate social behavior will be active elements of the school curriculum and, as such, self-discipline and respectful behavior will be addressed in lessons, discussions, activities, and readings throughout the year.

- Behavioral Intervention

If a student violates school policies a conference will be held between administrative staff, the student and the parents/guardians. The student 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. A contract will then be designed and signed by all parties present in which the student pledges to uphold specified codes of behavior within a given time frame. Any subsequent violation of school policy will result in another conference from which possible outcomes may be community service or suspension.

- Informal Conference

Suspension shall be administered by the Principal of LCW and shall be preceded by an informal conference conducted by the administrative staff, with the student and his/her parent/guardian. 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. The conference

may be omitted if the administrative staff determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or school personnel. If the student is suspended without conference, the parent/guardian shall be notified of the suspension and a conference will be requested as soon as possible.

- *Notice to Parents/Guardians*

At the time of suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person to be followed up with a written notification. This notice will state the specific offense committed by the student. In addition, the notice may also state the date and time the student may return to school. If the school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may note that the parents/guardians are required to respond to this request without delay and that violations of school rules can result in expulsion from school.

- *Length of Suspension*

The length of suspension for students may not exceed a period of 5 consecutive days without first scheduling a second conference between administrators and parents/guardians to discuss the progress of the suspension upon the completion of the 5th day of suspension. All arrangements will be made to provide the student with classroom material and current assignments to be completed at home during the length of the suspension. As required by E.C. 48903.(a) the total number of days for which a student may be suspended from school shall not exceed 20 schooldays in any school year.

Appeal of Suspension

The parent or guardian of a suspended student or the suspended student himself or herself may appeal the suspension decision within 5 working days directly to the administrator. The Principal of LCW will expeditiously review the case with the parent and/or student in question within 5 working days of receipt of the appeal. If the administrator determines that the student has not violated one of the rules in the student handbook as agreed to by the student and parent or believes that extenuating circumstances should mitigate the consequences of such an action, then the suspension decision may be reversed. This process will be amended as the administrative structure changes with the growth of the school and will be defined in the student handbook. Final appeals are to the local School Site Council.

- *Recommendations for Expulsion*

Students will be recommended for expulsion by the LCW Principal if the school administrative staff finds that at least one of the following findings may be substantiated:

- a) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
- b) 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.
- c) Due to the nature of the violation, state law stipulates mandatory expulsion.

- *Expulsion Hearing*

Students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. The hearing will be held within 30 days after the school administrative staff determines that an act subject to expulsion has occurred. The hearing may be presided over by the Board of Directors or an administrative hearing panel appointed by the Board.

Written notice of the hearing will be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. This notice will include:

- a) The date and place of the hearing (if neither parent is available, another time will be found within the following week)
- b) An incident report including the specific facts, charges and offense upon which the proposed expulsion is based.
- c) A copy of LCW's disciplinary rules which relate to the alleged violation.
- d) The opportunity for the student or the student's parent/guardian to appear in person at the hearing.
- e) Notice that the student will be permitted to bring witnesses and present evidence on his or her behalf.
- f) Notice that the student will be permitted to be represented by legal counsel or by a non-attorney advisor, to inspect and obtain copies of all documents to be used at the hearing, to confront and question all witnesses who testify at the hearing, to question all other evidence presented, and to present oral and documentary evidence on the pupil's behalf.

Written notice to expel a student will be sent by the school administrative staff to the parent/guardian of any student who is expelled. This notice will include the following:

- a) The specific offense committed by the student for any of the acts listed in "Reasons for Suspension and/or Expulsion."
- b) The type of educational placement during the period of expulsion.
- c) The appeal rights and procedures.
- d) The reinstatement eligibility review date.
- e) A copy of the rehabilitation plan.
- f) Notice of the student or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with LCW.

Educating Students Through the Suspension/Expulsion Process

Pending expulsion, students are entitled to placement in an interim educational program so that achievement gaps do not broaden and students do not become at-risk for drop out. A formal independent study program will be implemented.

C. Appeal of Suspension or Expulsion

A request for appeal of suspension or expulsion must be received in writing within fourteen (14) calendar days of when the original written notice of suspension or expulsion is received by the parent. In the event of suspension, the request for appeal must be submitted to the Principal of LCW. A suspension appeal will be heard by the administrative staff. If the suspension is rescinded, the student will return to the charter school on the subsequent school day following a meeting of the administrative staff, student, and parents prior to reentry to insure a successful return to the school community. If the administrator denies the appeal and enforces the suspension, the parent can appeal to the Board of Directors or an administrative panel appointed by the Board. A written request for appeal must be made to the Board of Directors within five (5) days of the first appeal hearing. An appeal may result in rescinding the original decision or a modification of the suspension timeline. In reviewing the appeal, the Board or administrative panel, with a majority vote, may remove the suspension from the student's records. LCW will strive to schedule the hearing to accommodate the parents' presence.

In the event of expulsion, the request for appeal must be submitted to the Board of Directors. A request for appeal of expulsion must be received within five (5) working days after the written notice received by the parent/guardian. The appeal itself will occur within ten (10) working days after the written notice received by the parent/guardian, and must be attended by parent(s)/ guardian(s). In the case of expulsion, a fair and impartial panel of representatives appointed by the Board of Directors will hear the appeal, and its decision will be final. If the expulsion is rescinded, the student will return to the charter school on the subsequent school day following a meeting of the administrative staff, student, and parents prior to reentry to insure a successful return to the school community.

In the event of a decision to expel a student from LCW, the school will work cooperatively with the district of residence, county, and/or private schools to assist with the appropriate educational placement of the student who has been expelled. Any incident of violent and/or serious behavior shall be communicated to the school to which the student matriculates. If requested by the parent/guardian, assignments will be sent home for the remainder of the semester so the student can continue their work until a new placement is found.

D. Rehabilitation Plans

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

E. Readmission

The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be in the sole discretion of LCW's governing board and the pupil and guardian or representative, to determine whether the pupil has successfully completed the rehabilitation plan and to determine whether the pupil poses a threat to others or will be disruptive to the school environment. The pupil's readmission is also contingent upon the capacity of LCW at the time the pupil seeks readmission. In the event that a student is not reinstated, written notification of such, including specific reasons why reinstatement was denied, will be sent. A new eligibility review date will be provided.

F. Data Collection and Reporting - Special Education Students

LCW will collect and produce data regarding the suspension and expulsion of special education students as required by the Modified Consent Decree. LCW will adhere to all provisions of the Individuals with Disabilities Education Act (IDEA) and its amendments, Section 504 of the Rehabilitation Act, AB 602, ADA, the modified consent decree and the *Chanda Smith* Consent Decree.

In the case of a special education student, or a student who receives 504 accommodations, the charter will ensure that it makes the necessary adjustments to comply with the mandates of State and federal laws, including the IDEA and Section 504 of the Rehabilitation Plan of 1973, regarding the discipline of students with disabilities. Prior to recommending expulsion for a Section 504 student or special education student, the charter administrator will convene a review committee to determine whether the student's misconduct was a manifestation of his or her disability; whether the student was appropriately placed and receiving the appropriate services at the time of the misconduct; and/or whether behavior intervention strategies were in effect and consistent with the student's IEP or 504 Plan. If it is determined that the student's misconduct was not a manifestation of his or her disability, that the student was appropriately placed and was receiving appropriate services at the time of the misconduct, and that the behavior intervention strategies were in effect and consistent with the students IEP, the student may be expelled.

If it is determined that the student may not be expelled, appropriate adjustment to the student's placement and services will be determined in order to assure the safety and security of the student and the school community.

G. School Handbook and Family Contract

The School handbook and the template for a home/school contract will be designed in greater detail through a committee of interested parents/guardians and staff. Appendices 1-4 present drafts of our Faculty, School, Board, and Volunteer handbooks. The school has and will continue to review the list of offenses and procedures that apply to non-charter public schools believes that the list of offenses and procedures provide adequate safety for students, staff and visitors to the school and serve the best interest of the school's pupils and their families.