

2024-2027

Expulsion Plan

**Between the
Orange County Department of Education
and
Buena Park School District**

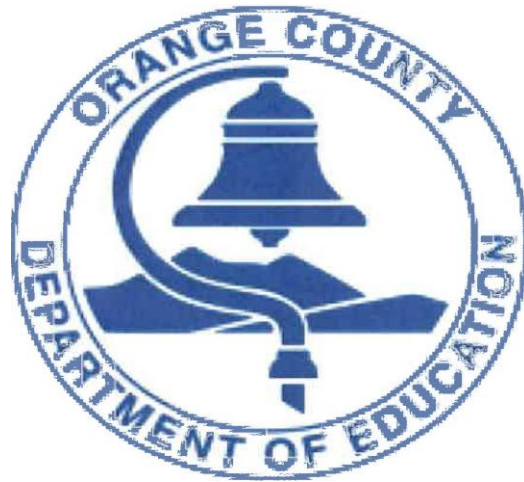


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2024-2027

**County Plan for
Expelled Students**



Al Mijares, Ph.D.
County Superintendent of Schools



2124-2127
COORDINATED PLAN FOR PROVIDING EDUCATIONAL
SERVICES TO ALL EXPELLED STUDENTS

between the

Orange County Superintendent of Schools

and

the Superintendents of

Anaheim Elementary School District
Anaheim Union High School District
Brea-Olinda Unified School District
Buena Park School District
Capistrano Unified School District
Centralia School District
Cypress School District
Fountain Valley School District
Fullerton Joint Union High School District
Fullerton School District
Garden Grove Unified School District
Huntington Beach City School District
Huntington Beach Union High School District
Irvine Unified School District
Laguna Beach Unified School District
La Habra City School District
Los Alamitos Unified School District
Lowell Joint School District
Magnolia School District
Newport-Mesa Unified School District
Ocean View School District
Orange Unified School District
Placentia-Yorba Linda Unified School District
Saddleback Valley Unified School District
Santa Ana Unified School District
Savanna School District
Tustin Unified School District
Westminster School District



**PLAN FOR PROVIDING EDUCATIONAL SERVICES & SUPPORT
TO ALL STUDENTS EXPELLED IN ORANGE COUNTY
2024-2027**

General Provisions

As required by California Education Code section 48926, the Orange County Superintendent of Schools has developed an expulsion plan in conjunction with the Superintendents of the school districts in Orange County. The plan provides educational services to all expelled students in the county for school years 2024-25, 2025-26, and 2026-27. The current plan has been adopted by the governing boards of each school district in Orange County and the Orange County Board of Education (OCBE). A student whose behavior has resulted in an expulsion is provided a rehabilitation plan that ensures placement in the appropriate educational program. The accessibility of educational alternatives for expelled students varies among Orange County school districts, and not all expelled students have access to these alternatives. The **type of offense, location of offense, grade level, and nature of the student's individualized needs all** have the potential to affect the educational alternatives available to the student during the period of expulsion. Students expelled for any of the offenses listed in subdivision (a) or (c) of Section 48915 of the California Education Code shall not be permitted to enroll in:

- any district-operated program during the period of expulsion *unless* it is a county community school according to subdivision (c) of Education Code Section 1981,
- or a juvenile court school, as described in Section 48645.1,
- or a community day school according to Article 3, (commencing with Section 48660 of Chapter 4 of Part 27 of the Education Code).

All students who are expelled shall be referred to an educational placement that is:

- 1) appropriately prepared to accommodate students who exhibit discipline problems;
- 2) not situated at a comprehensive middle, junior, or senior high school, or any elementary school; and
- 3) not housed at the school site attended by the student at the time of the offense [E.C. section 48915].

In addition to the requirements stated above, such factors as **district size, district-level alternatives, county-level alternatives, Local Control Accountability Plans (LCAP), and district vision/mission statements (values/philosophy)** can influence the decisions by a school district board of education regarding which educational alternatives are appropriate for the students who are expelled.

Educational Alternatives for Students Who Are Expelled

The governing boards of each school district will determine which educational alternatives are appropriate and available under Education Code section 48916.1. Educational alternatives throughout Orange County for students recommended for expulsion include, but are not limited to the following options:

1. Expulsion, suspended order, with placement on the same school campus [E.C. section 48917 (a)].
2. Expulsion, suspended order, with placement on a different school campus within the district [E.C. section 48917 (a)].
3. Expulsion with referral to a district community day school program, if available [E.C. section 48660].
4. Expulsion with subsequent transfer to another district subject to acceptance by the district of proposed enrollment [E.C. section 48915.1].
5. Expulsion with referral to the Orange County Department of Education (OCDE), Division of Alternative, Community and Correctional Education Schools and Services (ACCESS) [E.C. section 1981].

A specific referral to a district community day school or county community school is made by the school district with recommendations from the district discipline review board, School Attendance Review Board (SARB), or by another established district referral process as required by statute.

The school district of residence is responsible for developing a rehabilitation plan for expelled students and referring students to an appropriate educational setting. The school district reviews the rehabilitation plan obligations of students who are expelled to determine completion for a possible return to the school district of residence. The expelled students who fail to meet the terms and conditions of the district rehabilitation plan for readmission/re-enrollment may continue to be referred to an appropriate educational setting within another district alternative program, district community day school program, or the Orange County Department of Education ACCESS program until the conditions of rehabilitation are met.

Rev. 12.27.2023 tjd; REV. 1/16/2024 tjd

Charter School Requirements and Expulsion

Charter schools develop their policies and procedures regarding student expulsion and student dismissal subject to the requirements of Education Code Section 47605(c)(5)(J). They are not required to follow Education Code section 48900 et seq. as the basis of their discipline or expulsion policy, although by regulation, petitioners must demonstrate familiarity with these provisions. Charter schools have the option to adopt their chartering district's policy and procedures regarding expulsion.

A student who is expelled from a charter school may return to the school district of residence. As outlined in Education Code Section 47605(e)(3), if a pupil subject to compulsory full-time education under Education Code section 48200 is expelled or leaves a charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days; and shall upon request, provide that school district with a copy of the cumulative record of the pupil including a transcript of grades or report card and health information. Once the school district has documentation of the expulsion order, the provisions of Education Code sections 48915.1 and 48915.2 are used to determine whether or not the pupil may enroll in a district school or must be referred to a county community or district community day school (EC section 48915.2).

Expelled Students Who Commit Subsequent Violation(s)

The placement of expelled students who commit subsequent expellable violations will be placed in one of the following options:

- If the student commits a subsequent violation of Education Code section 48900 and following, the student may be referred to another school district alternative program or the Orange County Department of Education ACCESS program.
- If the expelled student commits another violation of the Education Code while enrolled in the Orange County Department of Education ACCESS program, the student will be placed at another community school site within the ACCESS Areas or transferred to another ACCESS Area in accordance with Orange County Department of Education Policy and Procedures.

Expelled Students Who Fail District Community Day School

Expelled students who fail their placement in a district community day school program may be placed in one of the following options:

- Other existing district educational alternatives.
- Orange County Department of Education ACCESS program, or a program operated by the Orange County Department of Education Division of Special Education Services.

- Non-public school (NPS) placements for students with disabilities may be considered by school districts if the IEP team determines an NPS is appropriate.

Special Education Students

Students eligible under the Individuals with Disabilities Act (IDEA) may be referred to the Orange County Department of Education pursuant to the Individualized Education Program (IEP) process outlined in Education Code section 48915.5 and Orange County Department of Education procedures. Students eligible under Section 504 of the Rehabilitation Act of 1973 may also be referred to the Orange County Department of Education per Section 504 procedures. School districts must take into consideration the contents of the student's IEP when making placement recommendations. **Any change in placement requires the school district to convene an IEP meeting.** The IEP team identifies a special education program and related services appropriate for the student. Placement options may include district, Special Education Local Plan Area (SELPA), or county-operated programs.

- If the district refers an expelled student to the Orange County Department of Education, the district shall convene an IEP meeting before the referral to jointly identify an appropriate special education program and related services. A representative from the Orange County Department of Education shall participate in the IEP meeting. The district or Orange County Department of Education may provide special education services per the student's IBP.
- When the IEP cannot be implemented within the Orange County Department of Education, the district of residence is responsible for providing a Free and Appropriate Public Education (FAPE) within the continuum of program options identified in its SELPA local plan.
- The Orange County Department of Education may also provide an interim alternative educational setting while a school district locates an educational placement for students eligible under the IDEA (not excluding county options) [34 C.F.R. section 300.530(g)].

Orange County Department of Education (OCDE) Options

OCDE is committed to providing a spectrum of educational options for students expelled from Orange County school districts. Educational options are provided through the Division of Special Education Services which operates the Special Schools Program for students with disabilities and Alternative, Community, and Correctional Education Schools and Services (ACCESS), a Western Association of Schools and Colleges-accredited (WASC) program serving general education and special education students. The Orange County Department of Education's VISION is Orange County students will lead the nation in college and career readiness and

success; and, its MISSION is to ensure that all students are equipped with the competencies they need to thrive in the 21st Century. In addition, the OCDE's priority is to care for, teach, and inspire all students to discover their potential as well as develop their character by empowering every learner to become successful contributors to society. As demonstrated by its VALUES, the Orange County Department of Education is dedicated to the fundamental human values of respect, responsibility, integrity, and professional ethics. Our priority is service to students, schools, districts, families, and community members.

The policy of each school district affects how the Orange County Department of Education will meet the needs of that particular school district. Some districts use the Orange County Department of Education programs as educational options for those students expelled under Education Code section 48900. The Orange County Department of Education also works with Orange County school districts to provide information and data in support of Local Control Accountability Plan (LCAP) goals and priorities, including but not limited to learning conditions, pupil engagement, school climate, and pupil outcomes.

Referral Process to Orange County Department of Education Division of Special Education Special Schools Program

OCDE Division of Special Education Services provides special education programs and services to individuals with exceptional needs requiring intensive educational services including a Deaf and Hard of Hearing (DHH) Program. OCDE Special Schools Program operates 48 classes on 13 different school sites throughout Orange County. Students are referred by their district of residence through the IEP process. Referrals to the Division of Special Education Services are made following current Orange County Department of Education procedures.

Referral Process to the Orange County Department of Education Alternative Community and Correctional Education Schools and Services (ACCESS)

The ACCESS program provides options for expelled youth at over twenty-five (25) sites contained within nine (9) Areas located throughout Orange County. Regional options may include:

- Classroom instruction serving grades 9-12, delivered daily for 240-270 minutes aligned with the State Frameworks/Standards.
- Classroom instruction serving grades 6-8, delivered daily for 240-270 minutes aligned with the State Frameworks/Standards.
- Contracted learning/independent study (IS) programs are available for whom traditional seat-time programs are not feasible. These contracted learning/independent study (IS)

programs require students to complete a minimum of 20 hours per week of educational work products. For students with disabilities, this would be considered and discussed at an IEP meeting.

- Parent-directed home instruction/independent study programs through the Community Home Education Program (CHEP) serving students in transitional kindergarten (TK) through grade 8.
- Pacific Coast High School is a University of California (UC) approved and National Collegiate Athletic Association-accredited program serving students in grades 9-12.

ACCESS Administrators regularly meet with school district representatives and agency partners to collaborate and coordinate the placement of students who are expelled. Regional meetings of the Child Welfare and Attendance (CWA) Administrators and school district Student Attendance Review Board (SARB) members provide an avenue for school districts and Orange County Department of Education representatives to discuss potential placement challenges, explore regional options, and address the needs of expelled students.

Referrals to the Orange County Department of Education ACCESS program may be made directly to the ACCESS Areas listed below. However, referrals of students eligible under the IDEA shall be made through the IEP process as per OCDE/ACCESS Special Education Procedures.

An Individual Learning Plan (ILP) will be developed for expelled students referred to ACCESS. Part of this plan includes a goal of assisting the student with meeting the requirements stated in the school district's rehabilitation plan to facilitate returning the student to the school district of residence at the completion of the school district expulsion. A Supplemental Referral Form and a Return to School District Form are developed with support from the School District Student Services Administrator to improve communication. Districts will use the Supplemental Referral Form to highlight the unique needs of students, interventions in place, and rehabilitation plans for students. When returning to the district of residence, ACCESS will use the Return to District Form to communicate student progress on the district rehabilitation plan as well as share important contact information in case questions may arise. This process addresses a service gap in previous triennial countywide plans regarding students completing the required courses before graduation during the expulsion term. ACCESS and the Orange County school districts will continue to consistently improve communications to further address all service gaps.

ACCESS and school district programs have implemented online programs that provide "a-g" approved courses, credit recovery options, and electives, including career technical education. These programs have expanded the options available to expelled and returning students seeking to satisfy the "a-g" requirements or other college-preparatory courses. ACCESS continues to provide professional development for teachers to utilize their online programs effectively. In addition, Pacific Coast High School (Administrative Area 5) offers a full range of college-preparatory courses satisfying the "a-g" requirements. EGENUITY, the online course option with "a-g" approved courses utilized by ACCESS, satisfies the subject requirements for admission into the University of California and California State University Systems.

**ALTERNATIVE, 'COMMUNITY, AND CORRECTIONAL EDUCATION SCHOOLS AND SERVICES
{ACCESS}**

(Updated 9/21/23)

Division of Alternative Education Administration	ACCESS Administration 601 S. Lewis Street Orange, CA 92868	(714) 245-6402	Vern Burton Assistant Superintendent, Alternative Education vburtonra@ocde.us
ACCESS- Area 1 Harbor Learning Center - South	ACCESS- Area 1 Administration Office 15872 Harbor Blvd. Fountain Valley, CA 92708	(714) 245-6535	Ken Ko, Ed.D., Principal Kko@ocde.us Jim Perez, Interim Asst. Principal jperez@ocde.us
ACCESS- Area 2 Harbor Learning Center- North	ACCESS- Area 2 Administration Office 1240 N. Harbor Blvd. Anaheim, CA 92801	(714) 245-6700	Gilbert Sanchez, Ed.D., Principal gsanchezra@ocde.us
ACCESS- Area 3 Argosy	ACCESS- Area 3 Administration Office 601 S. Lewis Street Orange, CA 92868	(714) 245-6680	Ken Ko, Ed.D., Principal Kko@ocde.us Spencer Gooch, Interim Assistant Principal sgooch@ocde.us
ACCESS- Area 4-A Juvenile Court Schools	ACCESS- Area 4-A Otto Fischer School 331 City Drive South Orange, CA 92868	(714) 935-7651	Dave Connor, Principal dconnor@ocde.us
ACCESS- Area 4-B Juvenile Court Schools	ACCESS- Area 4-B 401 City Drive South Orange, CA 92868	(657) 623-6062	Aja Cordova-Couse, Principal acordova-cousora@ocde.us

ACCESS- Area 5 Community Home Education Program (CHEP), Pacific Coast High School (PCHS), Skyview	ACCESS- Area 5 Administration Office 14262 Franklin Ave. Suites 100 and 200 Tustin, CA 92780	(714) 327-1010	Machele Kilgore, Principal mkilgore@ocde.us
ACCESS- Area 6 Sunburst Youth Academy	ACCESS- Area 6 Los Alamitos National Guard Base 4022 Saratoga Ave. Building 25 Los Alamitos, CA 90720	(714) 796-8780	Dinah Ismail, Principal dismail@ocde.us
ACCESS- Area 7 College and Career Preparatory Academy (CCPA)	ACCESS- Area 7 Administration Office 1277 S. Lyon, Ste. 501 Santa Ana, CA 92705	(714) 796-8795	Fatinah Judeh, Interim Principal fiudeh@ocde.us
ACCESS- Area 8	ACCESS- Area 8 Administration Office 13110 Magnolia Avenue Ste. A Garden Grove, CA 92844	(714) 800-4234	Ruth Ramirez, Principal ocde.us">ramirez2@>ocde.us
ACCESS- Area 9	ACCESS- Area 9 Administration Office 2428 N. Grand Avenue Suite G Santa Ana, CA 92703	(714) 245-6648	Chris Alfieri, Principal calfieri@ocde.us
ACCESS STUDENT SERVICES			
Student Services Division	ACCESS Administration 601 S. Lewis Street Orange 92868	(714) 245-6719	Ryan Cummins, Director ocde.us">rjcumminsra>ocde.us

Special Education Division	ACCESS Administration 601 S. Lewis Street Orange 92868	(714) 647-2596	Arnita Cloke, Psy.D., Director acloke@ocde.us
District Partnerships and Operations <i>(ACCESS Staffing & Operations, Attendance & Records, Foster Youth Services, Health Services, Safe and Healthy Schools and Services)</i>	ACCESS Administration 601 S. Lewis Street Orange, CA 92868	(714) 245-6404	Dennis Cole, Director dcole@ocde.us
Educational Programs and Services <i>(Assessment, Accountability and Intervention, Educational Services, Title III- English Language Learner Services)</i>	ACCESS Administration 601 S. Lewis Street Orange, CA 92868	(714) 647-2593 (714) 543-8962	Katy Ramezani, Ed.D., Director kramezani(a)ocde.us
Title I Programs and Services	ACCESS Administration 601 S. Lewis Street Orange, CA 92868	(714) 836-0468	Lisa Lanier, Senior Administrator llanier@ocde.us
Foster Youth Services Coordinating Program	William Lyon School 401 City Drive South Orange, CA 92868	(714) 245-6654	Deana Mulkerin, Program Specialist dmulkerin@ocde.us
Attendance and Records	ACCESS Administration 601 S. Lewis Street Orange, CA92868	(714) 547-2859	Tamara Fette, Supervising Program Data Technician tfetto@ocde.us

Summary of Gaps in Education Services to Expelled Students and Strategies for Filling Those Gaps

Previously identified gaps from the previous triennial cycle have been examined and considerable improvements have been made through a collaborative process between the twenty-eight (28) Orange County school districts and the Orange County Department of Education (OCDE). The twenty-eight (28) school districts in Orange County and the Orange County Department of Education (OCDE) have committed themselves to an ongoing process to resolve the noted service gaps.

Service Gap 1: Expelled Students in Grades K-5

Education Code sections 48900(v) and (w) encourage Other Means of Correction (OMoC), rather than suspension or expulsion, to be used to bring about appropriate conduct as part of a Multi-Tiered System of Supports (MTSS). This Multi-Tiered/Multi-Domain System of Supports includes Restorative Justice practices, trauma-informed practices, Social and Emotional Learning, and schoolwide Positive Behavior Interventions and Support, which may be used to help pupils gain critical social and emotional skills, receive support to help transform trauma-related responses, understand the impact of their actions (on themselves and others), and develop meaningful methods for repairing harm to the school community. This also includes referral to a School Attendance Review Board (SARB) for students who are habitually insubordinate or disorderly during school attendance (Education Code Section 48263). Education Code Section 48900.5 lists many other means of correction that may be documented before a suspension or expulsion recommendation. While several California Education Code sections prohibit the expulsion of students in lower grades for various offenses, a student in grades K-3 can be expelled for violations of any of the other offenses. Specifically, Education Code section 48900(k) prohibits the expulsion of any student for disruption/defiance and Education Code 48900.2 prohibits the expulsion of a student in K-3 for sexual harassment. Education Code 48900.3 (hate violence) and 48900.4 (harassment, threats, or intimidation) pertain only to students in grades 4-12. As identified mainly by elementary schools and smaller districts, students in grades K-5 who are expelled do not have as many educational options available as do expelled youth in grades 6-12. In some instances, it has been difficult to place elementary school students who are expelled, especially at the K-4 level. The number of community day schools at the elementary school grade level is very limited.

Progress Made Since 2021

Orange County school districts have made gains in the implementation of Social-Emotional Learning curriculum (SEL) and Restorative Practices (RP) district-wide to develop more positive, pro-social school cultures/climates by strengthening relationships between staff and students, staff-to-home relationships, student-to-student relationships, and increase students' sense of belonging to prevent the occurrence of negative behaviors that may lead to suspensions and expulsion. School staff receive training in Restorative Practices (RP). Restorative Practices have been integrated with Positive Behavior Interventions and Supports (PBIS) to ensure student expectations are taught and reinforced positively to increase students' social and emotional skills and a sense of relationship/belonging to the community. Professional development on topics such as Trauma Informed Education, SEL Classroom Management, and universal screening of Second Step Integration will continue to be presented to school staff. In addition, school site/classroom visits by district-level administrators are conducted regularly with feedback to support and improve the implementation of SEL and PBIS and collaboratively develop the next steps with school site administrators, teachers, and staff.

A common practice for students expelled in grades K-5 is for the school district to suspend the expulsion order and refer the student to another school within the district of residence. School districts may also collaborate in the facilitation of enrollment of an expelled elementary school student into a different school district, when appropriate. School districts continue to have the option of referring expelled students to Skyview Elementary and Middle School, an Orange County Department of Education ACCESS program serving grades **K-8**. Skyview is a community elementary/middle school program designed to meet the needs of all at-promise children and offers community support programs for both the students and their families. ("At Promise" references the extraordinary raw potential every young person possesses. Those of us who work with youth from difficult backgrounds prefer the term "at-promise youth." The term views youth through a strength-based perspective.)

Ongoing Strategies for Addressing This Gap

Students in grades K-5 who are expelled may be served through the following school district or Orange County Department of Education alternative education programs:

- Transfers within the home district (offered through suspended expulsion) to another school site.
- Transfers to another school district.
- Private school/Non-Public School (NPS) enrollment/placement (NPS is only for Special Education students) may be appropriately offered.
- Blended/Online Learning Practices are available in some school districts.

- Skyview Elementary/Middle School, located in Orange, CA, is operated by the OCDE ACCESS program and serves students in grades **K-8**. Skyview 7th and 8th-grade programs will be reorganized and discontinued on a comprehensive school site.
- Students in grade 5, on a case-by-case basis, may be referred to other ACCESS school sites depending upon class composition at the time of referral.

The Orange County Department of Education continues to review the ongoing need for an elementary-level regionalized community school program to serve elementary-aged students who may be expelled from their school district. Over the past five years, the number of expulsions for Orange County students in grades **K-6**, as reported to *DataQuest*, are as follows:

Year	K-3	4-6
2017-18	0	9
2018-19	0	9
2019-20	0	0
2020-21	0	0
2021-22	0	3

Orange County school districts continue to support one another and offer alternative placement options whenever possible, taking students who were expelled for non-mandatory expellable offenses, especially in larger districts with community day school options or special classrooms on their sites. School districts are also expanding interventions through a Multi-Tiered System of Supports (MTSS) framework with evidence-based programs such as Positive Behavior Intervention and Supports, Restorative Practice (RP), Mindfulness Practice, Trauma-Informed Care Perspective and Resources, and Social and Emotional Learning (SEL) resulting in reduction of expulsions at the elementary grade level. In addition, the tiered interventions and strategies of the Student Attendance Review Team (SART) and Student Attendance Review Board (SARB) processes are being implemented as preventative/early warning measures to reduce the number of suspensions and expulsions through a strength-based approach focusing on students' behavior (academic, attendance, social-emotional) challenges and family support.

Challenges to Addressing This Gap

- The location of the Skyview Elementary and Middle School site in proximity to the district of residence may pose a challenge to student attendance.
- To attend Skyview or other schools in neighboring school districts, students may require transportation. However, neither the districts nor ACCESS provide transportation which

is a challenge for some students to attend schools outside of the boundaries of the district of residence.

- Though the number of expulsions at the elementary level is low, finding suitable school placements for students who are expelled continues to be a challenge/service gap for some elementary school districts.
- The low number of elementary students in grades K-5 who need alternative placements as a result of expulsions continues to make it impractical and cost-inhibitive to sustain the operation of multiple school sites/programs throughout the county and provide mental health resources, staff, and services.

Service Gap 2: Limited Special Education Placements in ACCESS

The Orange County Department of Education is committed to expanding program options for students with exceptional needs expelled from school district programs. As identified through communications with SELPA and District-Special Education Directors, programs for emotionally disturbed and dual diagnosis (Emotionally Disturbed and Developmentally Delayed) students have been developed in some school districts as well as the OCDE Special Schools program. In addition, ACCESS continues to evaluate its Special Education services to provide a continuum of placement options. When a student's unique needs cannot be accommodated through existing OCDE program alternatives, the district of residence will continue to facilitate placement to support the unique needs of individual students through district and non-public agency/non-public school (NPS) placements.

Progress Made Since 2021

Orange County school districts have continued to expand efforts to provide services to students within their attendance area reducing the need for referrals to ACCESS and the OCDE Special Schools program. The Orange County School Districts and OCDE will provide ongoing monitoring of the need for additional Special Education services for expelled students. The ACCESS program is prepared to respond to increased demands as conditions warrant in the future.

Orange County school districts have increased the number of mental health staff independently and in partnership with the Orange County Department of Education (OCDE) to provide more resources for students who may be experiencing social and emotional issues, including students with disabilities. To promote belongingness, inclusion, and educational equity, Orange County school districts have expanded recruitment and retention of students with disabilities for athletic programs and co-curricular engagement. For more inclusive classroom instruction, the blending of co-teaching and General-Special Education collaborative classes for students with disabilities have continued to increase to destigmatize the services and supports of students with IEPs which has resulted in healthier and safer school cultures and climates. Unified Sports programs are

available in Orange County school districts. This program focuses on the inclusion of students with disabilities in athletics and has helped change the culture on the campuses. Students with disabilities continue to be included in more school-wide programs thus increasing program offerings and opportunities.

Programs for Students with Intensive Mental Health Needs:

- ACCESS and Orange County school districts have been able to expand the number of licensed mental health clinicians and school psychologists over the past several years even though finding qualified candidates has been a challenge. This has allowed for increased support during the school day while students are on campus. Continued expansion of programs for students with intensive mental health and behavioral needs is contingent upon the location of school sites that can accommodate such programs and sufficient enrollment to maintain such programs. Additional training in various behavior management strategies for both general education and special education teachers can support the increased needs of students with mental health and behavioral needs.

Programs to Expand Continued Services for Special Education Students:

- Expanding program options for special education students continue to be evaluated through OCDE, Orange County SELPA Directors, and Orange County School Districts.
- OCDE Special Schools and ACCESS provided a joint survey to the OC SELPA Directors in Spring 2023 seeking information on special education program needs.

ACCESS will continue to utilize its Director of Student Services/Special Education as well as Special Education Administrative Liaisons/Coordinators to facilitate participation in district IEP team meetings when a referral for an expelled student is made to ACCESS. In addition, ACCESS has continued to increase its special education staff including a focus to address the increased mental health needs of students with disabilities. ACCESS can provide intensive counseling services by credentialed and/or licensed mental health professionals and school psychologists who will continue training in Trauma Informed Care, Crisis Response, and Restorative Practice. Small group therapy programs have also been developed to address issues that impact social functioning within the classroom and community, such as social skills, anger management, and various coping skill strategies.

All ACCESS mental health professionals will continue to receive training in the most current evidence-based protocols in various therapeutic therapies to address the changing needs of our students.

Ongoing Strategies for Addressing This Gap

To help address gaps/needs, the Orange County Department of Education Special Schools and ACCESS have provided a joint survey to the Orange County Special Education Local Plan Area (SELPA) Directors seeking information on special education program needs. In addition, school

districts continue to create, expand, and have success with community day school programs for expelled students with special needs as an option to county-operated and non-public school placements. ACCESS provides an inclusive educational setting with students mainstreamed into general educational programs. Placement at non-public schools (NPS) continues to be an option for school districts as well. In addition, districts are utilizing various flexible scheduling opportunities along with alternative education options to meet IEP goals, provide related services, and fulfill the requirements of the rehabilitation plan.

Challenges to Address This Gap

- Establishing a regionalized program in an alternative school setting to support the academic and socio-emotional needs of students with disabilities that can be operated and maintained based on an unpredictable number of student referrals as well as transportation barriers poses ongoing challenges. These challenges impact the sustainability of regionalized special education programs operated by the Orange County Department of Education. Although some school districts have expressed a need for a self-contained special day class (SDC) for students with intensive emotional and/or behavior disorders, this has not been sustainable for the Orange County Department of Education ACCESS programs due to the minimal number of students being referred and the cost to staff and maintain such a program. Challenges to addressing Service Gap #1 may also have been a contributing factor to the limited number of referrals for establishing such a program.
- Placement in a non-public school due to the limited space and program offerings at the Orange County Department of Education ACCESS, when there is capacity, is a financial strain for Orange County school districts.
- Orange County Department of Education ACCESS providing a FAPE for all students with disabilities continues to be a concern expressed by some school districts. Based on the smaller class sizes in ACCESS and the individualized instructional model through contracted learning, the structure of the school day differs from a traditional school schedule and often requires modification of the IEP.
- Combined programming of middle school and high school programs continues to be an ongoing challenge. There is a desire to provide separate classes/programs for middle school students to better address their unique developmental and social-emotional needs, however, the low numbers of referrals/enrollment of middle school students make it difficult to maintain separate programs.
- Promoting (appropriately messaging) the positive advantages and supportive benefits of the Orange County Department of Education ACCESS to parents and caregivers of students with disabilities who have been expelled continues to be a challenge as they may view the program as a punitive/juvenile detention measure with a shortened school day.

Misunderstanding the program may lead to apprehension and rejection of accepting the offer to engage in the program.

Service Gap 3: Rehabilitation Failures

Students who are expelled fail, at times, to satisfy/fulfill the school district expulsion rehabilitation/readmission plans during the expulsion term continue to be a concern for reentry to the school district in conjunction with general issues about student transition. On occasion, students do not meet the provisions of the expulsion rehabilitation plan and fall behind in their academic studies. In these cases, students are at higher risk of not completing their necessary credits and risk of school drop-out.

Progress Made Since 2021

Over the past three years, the Orange County Department of Education has continued collaboration and ongoing engagement with the Orange County school districts to identify systematic approaches to facilitate the regular transfer of the rehabilitation/readmission plan upon referral of an expelled student, as well as identify community resources available to support students in meeting their district rehabilitation plan requirements.

Orange County Department of Education ACCESS/Division of Alternative Education Administration helps to promote frequent, ongoing communication between the parents/caregivers, school districts, the county community schools, ACCESS directors, coordinators, principals, and assistant principals. In addition, the ACCESS Student Attendance Review Board (SARB) process continues to undergo improvement and ACCESS utilizes one of its staff members in truancy court to make sure students attend school and are connected to community resources and social services.

Strategies for Addressing This Gap

Orange County school districts will provide ACCESS a copy of the rehabilitation/readmission plan when referring an expelled student. ACCESS staff will review the rehabilitation/readmission plan with the student and, as appropriate, the student's parents, and will assist the student in completing their plan requirements. Orange County School Districts and ACCESS have implemented the use of a supplemental referral form when students are referred to an ACCESS program. This form includes specific information about a student's needs as well as progress and action items needed to complete the rehabilitation/readmission plan requirements. School district staff will continue to monitor student achievement toward rehabilitation/readmission plan requirements throughout the term of expulsion while educational services are provided by ACCESS or private agencies. For students struggling to meet rehabilitation/readmission plan requirements, the student consultation team process may be considered to provide additional support. The continued two-way communication and

collaboration between ACCESS and school district personnel will remain a priority. Enhanced communication promotes student success and allows for early intervention when students are falling behind in/not meeting the rehabilitation/readmission plan terms. In addition, communication is vital between the school districts and ACCESS regarding the status of students who are returning to the school district. When returning to the school district, ACCESS staff will continue to use the Student Transition form to communicate information on the student's completion of the rehabilitation/readmission plan.

School districts continue to expand their programs and services to support expelled students by hiring additional staff and assigning specific duties to staff to monitor the completion of the student's rehabilitation/readmission plan and to communicate/collaborate with ACCESS and other programs. In addition, to meet the academic needs of the students and to ensure that they acquire the necessary credits to meet the graduation requirements, districts have expanded their instructional programs to include enhanced Summer School and after-school programs, district online instruction, and tutoring support for expelled students. Furthermore, upon re-entry to the school district, students will continue to be closely monitored and supported by school staff through the creation of a behavior contract, needs assessment survey, and the opportunity for alternative placement at a different school site within the district.

The Orange County Department of Education will continue to explore with districts how to utilize and expand existing interventions/supports to ensure student success with the completion of the rehabilitation/readmission plan by hosting networking opportunities through the Child Welfare and Attendance (CWA)/School Attendance Review Board (SARB) Network Meetings series and conducting an interactive Expulsion Supports training in addition to a Student Discipline Investigations training. This includes the inclusion of community non-profits and private agencies/programs to assist in carrying out individual student rehabilitation/ readmission plans.

Challenges to Address This Gap

- Communication between the school districts and Orange County Department of Education ACCESS in ensuring that the student completes the school district's rehabilitation/readmission plan continues to be a challenge. In some cases, the challenge is evident when school districts do not directly or promptly share the student's rehabilitation/readmission plan with ACCESS, thus leaving this task to parents and students to provide.
- There continues to be a need to identify additional intervention services for students to meet the specific requirements of their rehabilitation/readmission plans especially when involving mental health services and attendance supports.
- During the expulsion term, students may not be offered the classes that are required for high school graduation or are unable to successfully/pass the high school required

courses. Because of the limited offer of the high school graduation required course load, some students are credit deficient upon return to the school district's traditional program.

- For students with IEPs, coordinating the successful completion of the rehabilitation/readmission plan and obtaining school board approval before conducting the transition IEP meeting continues to be a challenge.

Service Gap 4: Mental Health Services

Orange County school districts continue to experience an increased need for mental health services and a shortage of affordable and accessible student options for services. Notwithstanding, the progress the OC school districts have made in addressing student mental health services by hiring additional district and site-based personnel, providing ongoing training, establishing/extending provider contracts, providing telehealth services, and securing additional funding, the growth in the need for student services continues to outpace the provided services of the school district.

Progress Made Since 2021

The Orange County Department of Education will continue to work to promote school and community partnerships and professional development to address the mental health needs of students, especially in light of the effects of COVID-19. The development of Local Control Accountability Plans gives greater attention to the mental health needs of students and the OCDE will assist districts as they strive to find ways to address the social-emotional needs of their students and support the "whole child".

Strategic Priority 8 - The Whole Child

Rapid change, economic uncertainty, and technological overload can be unsettling and stressful. Students face daunting challenges of many kinds. Orange County educators can assure that learning environments are safe, healthy, supportive, and foster a strong sense of community from early childhood education through high school. OCDE will prioritize support for the whole child that assures personal flourishing and the development of good citizens who can make strong contributions to their communities.

OCDE, which heads the California SUMS (Scale Up Multi-Tiered System of Support) initiative, continues to provide technical assistance to many Orange County School Districts in the areas of Academic, Behavioral, and Social/Emotional support. Orange County Department of Education continues to share local resources through network meetings, emails, and PADLETS. The Orange County Department of Education ACCESS program will continue to work with districts to identify and assist expelled students who have mental health needs and whose family needs resources to care for the whole child. To this end, ACCESS has several mental health professionals. Orange County Department of Education ACCESS will continue to provide more

intensive counseling services by credentialed and/or licensed mental health professionals trained in **Trauma Informed Care** and Restorative Practice. In addition, Orange County Department of Education ACCESS mental health providers are trained in **Trauma-Focused Therapy**. The OCDE, Orange County SELPAs, and school districts continue to assess any gaps resulting from changes in the funding structures to ensure the availability of appropriate mental health services for all students expelled from school.

Ongoing Strategies for Addressing this Gap

OCDE was awarded the **Mental Health Student Services Act (MHSSA) Grant** in partnership with Orange County Health Care Agency (OCHCA) through December 2024, to strengthen mental health partnerships between county mental health or behavioral health departments, community-based organizations, and Orange County school districts to increase access to mental health services and remove barriers to better serve our students and families in their mental health needs. Expected outcomes related specifically to serving and supporting expelled students are as follows:

- Improving timely access to services (*Coordinating services for school districts with other county-wide K-12 services providers, including OCDE, and County Mental Health and Recovery Services*)
- Reducing barriers to needed services (*Supporting in the development and revision of district mental health processes and protocols and guiding improvements to district protocols*)
- Vetting and creating resources and tools for school staff
- Increasing linkages to mental health services for districts
- Increasing training on mental health topics for educators, administrators, parents/families, and students (*Trainer of trainer opportunities for school-based mental health staff utilizing evidence-based approaches*)
- Improving awareness and understanding of mental health topics and knowledge of how to navigate services
- Reducing negative student outcomes (*e.g., effects of suspensions/expulsions on mental health, chronic sadness/depression, anxiety, suicide ideation, suicide rates, chronic absenteeism, school failure, etc.*)
- Providing Crisis response to support students, families, and school staff in collaboration with the Crisis Response Network Team
- Supporting Student Attendance Review Board (SARB) panels
- Conducting Group counseling and education for students (*e.g., Cognitive Behavior Intervention for Trauma in Schools [CBITSJ and Bounce Back training/or staff*)

- Hosting student presentations through WellSpaces
- Providing and Training for care coordination for individual students

To accomplish these goals as a Community of Practice, the grant provides funding for Regional Mental Health Coordinators (RMHC), Behavior Intervention & Mental Health Services Coordinator, WellSpace Coordinator, and Substance Use & Mental Health Services Coordinator under the supervision of an MHSSA Grant Program Manager.

In support of the school district's efforts to build infrastructure and staff capacity within the best practices according to the School-Based Mental Health Alliance, the MHSSA Grant Team has identified fully-vetted tools and provided support for the following school-based mental health programs:

- Trauma-informed schools that promote feelings of physical, social, and emotional safety in students. These resources will help develop a shared understanding among staff about the impact of trauma and adversity on students and staff.
- Suicide Prevention resources to assist with compliance with AB 2246 and AB 1767.
- School-Based Health Centers offer a full range of age-appropriate healthcare services, typically including primary medical care, mental/behavioral health care, dental/oral health care, health education, substance abuse counseling, case management, and nutrition education.
- The SHAPE System has the tools teams need to improve school mental health programming by providing school mental health quality assessment, a resource library, custom reports, and a library of free and low-cost screening and assessment measures. The following guides align with the MHTTC National School Mental Health Curriculum.
- School mental health screening is a systematic process to identify the strengths and needs of students. It supports student identification who may be experiencing or are at risk of experiencing social, emotional, and/or behavioral difficulties. The following national resources provide screening measure examples and guidance on how to support youth with early identification strategies.
- School-Based Mental Health Programs from the county, state, and national resources guide the development, implementation, evaluation, and sustainability of student mental health programs and services.
- Medi-Cal-funded services to fund and sustain school-based mental health services.

Moreover, to lower the student-to-mental health staff ratio and increase students' access to services, school districts have continued to hire more counselors, therapists, psychologists, social workers, clinicians/specialists, administrators/coordinators and increase the number of partnerships with community agencies to expand student access to mental health services, crisis response services, and special education services. Some school districts have shifted the duties

and responsibilities of staff and provided additional training to include the delivery of mental health support services, threat assessment protocols, student safety plans, and community coordination/partnerships for mental health services for students. School districts have placed particular focus on at-risk students, low socio-economic students, Homeless (McKinney-Vento) and Foster Youth, LGBTQIA+ students, and students with irregular school attendance. Collaboratively, OCDE and Orange County school districts will continue to address the need for additional student mental health training and technical assistance for implementing behavior supports and strategies. To improve the implementation of Positive Behavior Intervention and Supports (PBIS) strategies schoolwide, some districts have established School Climate Lead Teachers and Teams at each school site to enhance the collaboration and coordination of the multi-tiered framework of support for which they receive Team Booster Training, PBIS Technical Assistance, and Active Supervision from OCDE Systemic Leadership and Continuous Improvement Unit.

Challenges to Address This Gap

- The distribution of community mental health resources and services, specifically mentorship services, are not equitably dispersed or available throughout the communities within the Orange County school districts.
- The rate of increase in the need for student mental health services continues to rise steadily; keeping pace with the need for services and support continues to be a budgetary and human resource challenge.
- Maintaining consistency and adequate staffing at the county level, district level, and school sites continues to be a challenge.

<p style="text-align: center;">COUNTYWIDE BEHAVIOR INTERVENTIONS AND BEST PRACTICES TO PREVENT & ADDRESS SUSPENSIONS AND EXPULSIONS</p>
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Orange County schools seek to minimize the number of expulsions by establishing prevention and early intervention practices. School districts pursue a variety of strategies to educate students and establish a safe and caring climate to prevent student misconduct. When warranted, disciplinary measures are implemented consistent with district policies and procedures to ensure fair and consistent disciplinary measures. These efforts will continue to prevent any disproportionate representation of minority students recommended for expulsion.

Expulsions occur when student and campus safety is threatened or when other means of correction have not been successful. School districts engage in several preventive and proactive strategies including but not limited to the following:

- Adult Mentoring of Students
- After-school programs that address specific behavioral issues or expose pupils to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups.
- Alternate Suspension Classrooms (ATS)
- Annual Notice of Parent Rights and Responsibilities
- Anti-bullying Programs
- Any of the alternatives described in Section 48900.6 related to community service
- Athletic Drug Testing
- Automated Telephone Notifications
- Behavior Skills Group
- Brief Intervention Counseling (Substance Abuse Counseling)
- Canine Solutions for Contraband Canine School visits
- Care Solace, a mental health concierge service
- Character Counts
- Check-in, Check-out
- Classroom Management training for administrators and teachers
- Clifton Strengths Finder
- Come Walk In My Shoes (abilities awareness)
- Community Partnership
- Conferences between school personnel, the pupil's parent or guardian, and the pupil.
- Conflict Mediators/Conflict Resolution Services
- Connect4Kids Psychological Services
- Coordinated Approach to Children's Health (CATCH)
- Crisis Response Network (CRN)
- Everfi for restorative practices and modules to address student mental health and wellness
- Enrollment in programs for teaching prosocial behavior or anger management
- Every 15 Minute Program
- Friday Night Live

- Gang Resistance Intervention Partnership (GRIP)
- Grad Night Activities
- Hazel (Tele-) Health
- Homework Clubs
- In-school Suspensions
- Juvenile Alcohol and Drug Education (JADE), PRYDE Program, Outreach Concern, Straight Talk, Western Youth Services and Other Community Counseling Partnerships
- Kindness Assemblies
- Link Crew
- Mindfulness practice/implementation of Mindful Mondays
- Multi-Tiered System of Support Framework {MTSS Continuum of Support}
- Online Classes and Credit Recovery Opportunities
- Other Means of Correction (OMC) and early intervention training for administrators and teachers
- Outreach Concern
- Parent Meetings and Information Nights
- Pathways program through California Youth Services
- Peace Week (Anti-bullying week)
- Peer Assistance League (PAL)
- Peer Court
- Police Cadet Programs
- Positive Behavior Intervention and Supports (PBIS)
- Random Acts of Kindness
- Red Ribbon Week
- Referrals for comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program, or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)).
- Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling.

- Restorative Practices (RP)
- Robyne's Nest
- Safety Task Force
- St. Jude Hospital Grant
- Saturday School
- Say Something Anonymous Reporting System
- School-based Trauma-Informed Care Perspective and Resources training for school personnel
- School Attendance Review Board (SARB)
- School Attendance Review Team (SART)
- School counseling website with online counseling for self- and peer-referral services
- School Postings and Notices
- Seneca Family of Agencies
- Social Emotional Learning (SEL) Curriculum vetted CASEL such as Second Step and Sanford Harmony
- Stanford Tobacco Prevention Toolkit
- Student Behavior Contracts
- Student Behavioral Health Incentive Program (SBHIP)
- Student Clubs and Organizations
- Student Safety Plans
- Study teams, guidance teams, resource panel teams, or other intervention-related teams that assess the behavior, and develop and implement individualized plans to address the behavior in partnership with the pupil and their parents
- Successful Mind for School, Work, and Life
- Text-A-Tip
- Thrively (as an interests/strengths assessment and career explorer curriculum)
- TUPE/DATE activities
- Tutoring
- Universal Design for Learning (UDL)
- Villages of California

- Violence Prevention Curricula
- Violence Prevention Education Services
- WellSpace
- Western Youth Services
- WEB (Where Everybody Belongs)

In the unforeseen event of school building closures due to a health/safety response, OCDE will adhere to the Governor's Executive Orders to provide additional proactive and preventative strategies and resources to address student needs such as:

- Care and Support Hotlines to share need-based district and community resources
- Virtual programming for credit recovery for students to meet the academic objectives of the Rehabilitation Plan
- Virtual calming rooms with multifaceted approaches to reduce stress, improve mood, and assist with academic functioning by addressing social-emotional barriers
- Online Needs Surveys for staff, students, and families
- Teletherapy/telehealth for social-emotional support and stress reduction for students
- Virtual small group counseling sessions for students



ORANGE COUNTY BOARD OF EDUCATION (OCBE)
BOARD AGENDA ITEM

DATE: Thursday, January 18, 2024

TO: *Renee Hendrick*, Deputy Superintendent, Governance, Operations and Community Partnerships

FROM: *Sonia R. Llamas, Ed.D., LCSW*, Associate Superintendent, Educational Services Division

SUBJECT: Acceptance of the *Orange County-wide Plan for Provision of Educational Services to Expelled Students* for the 2024-2027 triennial cycle

BACKGROUND:

California *Education Code* (EC) Section 48926 requires county superintendents, in conjunction with superintendents of the school districts within the county, to develop a plan for providing educational services to all expelled pupils in that county. The initial plan was to be adopted by the governing board of each school district within the county, by the county board of education, and submitted to the State Superintendent of Public Instruction (SSPI) in 1997.

EC Section 48926 also requires that each county superintendent of schools, in conjunction with district superintendents in the county, submit a triennial update to that plan to the SSPI.

EC Section 48926 provides specifically that:

- *The plan shall enumerate existing educational alternatives for expelled pupils,*
- *Identify gaps in educational services to expelled pupils, and strategies for filling those service gaps.*
- *The plan shall also identify alternative placements for pupils who are expelled and placed in district community day school programs, who fail to meet the terms and conditions of their rehabilitation plan, or who pose a danger to other district pupils, as determined by the governing board.*

The enclosed plan is the initial draft of the *2024-2027 Orange County-wide Plan for Provision of Educational Services to Expelled Students*. Once approved, the accepted plan will be forwarded to the school districts of Orange County. School districts will use this plan as a model to create their district's plan. After the districts' plans are approved by their local governing boards, all plans from Orange County school districts will be forwarded to the OCBE for final approval before being sent to the California Department of Education/SSPI.

RECOMMENDATION:

Accept the *2024-2027 Orange County-wide Initial Plan for Provision of Educational Services to Expelled Students* at the OCBE Board Meeting on Wednesday, February 7, 2024.

CO:

PLAN FOR PROVIDING EDUCATIONAL SERVICES TO ALL EXPELLED STUDENTS IN BUENA PARK SCHOOL DISTRICT

General Provisions

As required by Education Code 48926, the Orange County Superintendent of Schools has developed an expulsion plan in conjunction with the Superintendents of the school districts in Orange County. The plan provides for educational services to all expelled students in the county for school years 2024-2025, 2025-2026 and 2026-2027. A student whose behavior has resulted in an expulsion is provided a rehabilitation plan which ensures placement in an educational program and establishes the criteria for return to the Buena Park School District. All educational alternatives provided by Orange County school districts are not available to all expelled students. The type of offense, location of offense, grade level and nature of the student's individualized needs; all have the potential to affect the educational alternatives available to the student during the period of expulsion. Students expelled for any of the offenses listed in subdivision (a) or (c) of Section 48915 of the California Education Code shall not be permitted to enroll in any district-operated program during the period of expulsion unless it is a community day school (E.C. 48915.2).

As indicated in the Orange County Expulsion plan, the options available to Buena Park School District after an expulsion decision include, but are not limited to the following:

1. Expulsion, suspended order, with placement on the same school campus [E.C. 48917 (a)].
2. Expulsion, suspended order, with placement on a different school campus within the district [E.C.48917 (a)].
3. Expulsion with referral to a district alternative suspension/expulsion classroom, if available (E.C. 48660).
4. Expulsion with subsequent transfer to another district.
5. Expulsion with referral to the Orange County Department of Education, Alternative, Community and Correctional Education Schools and Services (ACCESS) (E.C. 1981).

Actual referral to a district alternative suspension/expulsion classroom or county community school is made by the Buena Park School District governing board with recommendations from the District Child Welfare and Attendance office, School Attendance Review Board (SARB), or by another established district referral process as required by statute.

Expelled Students Who Commit Subsequent Violation(s)

The placement of expelled students who commit subsequent expellable violations will be placed in one of the following options:

- If the student commits a subsequent violation of Education Code section 48900 and following, the student may be referred to another district alternative program or to the Orange County Department of Education.
- If the expelled student commits another violation of the Education Code while enrolled in the Orange County Department of Education ACCESS program, the student will be placed at another community school site within the Administrative Unit (AU) or transferred to another AU operated by the Orange County Department of Education, in accordance with Orange County Department of Education Policy and Procedures.

Expelled Students Who Fail District Community Day School

An expelled student who fails his/her placement in a district community day school program may be placed in one of the following options:

- Other existing district educational alternatives.
- Orange County Department of Education, ACCESS program or a program operated by the Orange County Department of Education Division of Special Education Services.

Special Education Students

Students eligible under the Individuals with Disabilities Act (IDEA) may be referred to the Orange County Department of Education pursuant to the Individualized Education Program (IEP) process outlined in Education Code section 48915.5 and Orange County Department of Education procedures. Students eligible under Section 504 of the Rehabilitation Act of 1973 may also be referred to the Orange County Department of Education program in accordance with Section 504 procedures. School districts must take into consideration the contents of the student's IEP when making placement recommendations. Any change in placement requires the school district to convene an IEP meeting. The IEP team identifies a special education program and related services appropriate for the student. Placement options may include district, special education local plan area (SELPA), or county-operated programs.

- If the district refers the expelled student to the Orange County Department of Education, the district shall convene an IEP meeting prior to the referral to jointly identify an appropriate special education program and related services. A representative from the Orange County Department of Education shall participate in the IEP meeting. The district or Orange County Department of Education, as identified in the SELPA Plan, will provide special education services in accordance with the student's IEP.

- When the IEP cannot be implemented within the Orange County Department of Education, the district of residence is responsible for providing a Free and Appropriate Public Education (FAPE) within the continuum of program options identified in its SELPA plan.
- The Orange County Department of Education also provides an interim alternative educational setting while school districts search for permanent placements for students eligible under the IDEA (not excluding county options). [34 C.F.R. section 300.530(g)]

District activities relating to the prevention of expulsions are outlined in the following chart:

Buena Park School District Behavior Interventions and Best Practices to Prevent Suspensions and Expulsions

Title of Activity	Description of Activity	Grade Level
Positive Behavior Intervention Support (PBIS) Assemblies	School wide behavior management programs	K-8
Panorama Screening	Universal Screening for social emotional learning support	K-8
CATCH MyBreath	Prevention and Intervention Curriculum	Grades 6-8
Annual Park Notifications and Rights	Start of the year communication regarding policies	K-8
Elementary and Middle School Counseling using a multi-tiered system of support (MTSS) approach	Groups and individual counseling services focused on academic, social-emotional and college and career counseling services	K-8
Outreach Concern Counseling	Groups and individual counseling services	K-8
Parent Education	Parent trainings, workshops and information sessions provided by the district and Orange County Department of Education	K-8
Restorative Practices	Conferences and meetings with all concerned stakeholders to maintain continuity of the vital school relationships and placements between students who engage in misconduct	K-8
Supervised Classroom Suspension	Alternative to out of school suspension. Students complete classwork with certificated supervision on the students' school site	K-8

Collaborative Academic Success Team (CAST)	School academic team comprised of school administration, counselors, psychologists, general education teachers, special education teachers, referring teacher, specialized teachers, nurses and health clerks to address the challenges of at-risk youth who are facing behavior, attendance or grades issues at school. The teacher will design an overall academic and social intervention plan for each student, which include but are not limited to Check-In and Check-Out strategies.	K-8
Student Study Team	School academic team comprised of school administration, counselors, psychologists, general and special education teachers, referring staff, speech teachers, health clerks and nurses to meet with parents to discuss challenges of student and design an overall academic and/or social intervention plan for each student. This process generally constitutes the next step in the intervention process after at a CAST meeting	K-8
Anti-Bullying Programs	Many school sites who engage students in the PBIS campaign also have anti-bullying campaigns where students and parents are joined in the efforts to team up against bullying and are provided with anti-bullying strategies.	K-8
Red Ribbon Week	Special assemblies and school activities all week that educate students on the dangers on drugs, tobacco and alcohol. School Resource Officers play a vital role in Red Ribbon Week with our schools.	K-8
Student Contract including School Attendance Review Team (SART)	The school administration, counselor, parent, teacher and support staff will meet to discuss attendance and behavior. A contract is agreed upon prior to the referral to SARB.	K-8
Violence Prevention Education	Orange County Department of Education partners team up with the district for violence prevention, active shooter and trauma informed instruction focused on the safety and security of schools	K-8

Special Education Services	Appropriate FAPE in the LRE	K-8
Counseling/Mental Health with MHSSA and mindfulness	MHSSA Grant to support group and individual counseling and awareness to students and staff	K-8
School Signs/Notices	Appropriate signage announcing district policy on tobacco, appropriate conduct and actions that may warrant expulsion	K-8
School Attendance Review Board (SARB)	The truancy officer, in partnership with schools is a second step towards attendance intervention. The SARB Chair reviews attendance and behavior with the parent/guardian and student. The SARB team makes a recommendation and offers support to the family through a signed contract. The contract is agreed upon as a step before referral to truancy mediation	K-8
Parent Meetings and Information Nights	Regular meetings of PTA, PTSA and other parent groups along with the Office of Student and Community Services. The goal is to engage parents and educate parents on school rules and/or changes in the law related to discipline, suspension and expulsion. Local law enforcement with School Resource Officers add parent information topics such as school law, cyber-bullying, drug prevention and gang awareness	K-8
Tutoring	School sites offer tutoring before or after school, at lunch or during a tutorial period to address academic, social or mindfulness needs	K-8
Community Partnerships	Buena Park School District has a plethora of community partnerships to address the needs of our students and school communities such as ACSA, CTA, BPTA, PTA, parent groups, Giving Children Hope, California Youth Services, Western Youth Services, Sunburst, Outreach Concern, PRYDE Program, Buena Park Police Department, Pastor Don, Gang Reduction and Intervention Partnership (GRIP), Buena Park Rotary, City of Buena Park, Boys and Girls Club of Buena Park, Orange County Sheriff Department	K-8

Student Clubs and Organizations	Schools offer a full array of extracurricular club and sports activities to engage students and connect students to the school community	K-8
Saturday School	Intervention to address truancy and other attendance/behavior issues	K-8
After School Programs	School sites sponsor a variety of after school tutoring, social programs, clubs, STEM, arts and other activities to increase and enhance student engagement	K-8
Automated Telephone Notifications	School District personnel and site principal/administration are able to send the school communities instant and time stamped phone and written messages about district and school activities	K-8
Gang Resistance and Intervention Partnership (GRIP)	Program through the California Gang Reduction Intervention and Prevention Initiative (CalGRIP)	K-8
Community outreach with Student and Community Services (SCS)	Community partners, social services and other agencies work with SCS to support foster youth and McKinney Vento programs	K-8

Policy 5144.1: Suspension And Expulsion/Due Process

Status: ADOPTED

Original Adopted Date: 05/29/2001 | **Last Revised Date:** 01/10/2022 | **Last Reviewed Date:** 01/10/2022

The Governing Board desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

The grounds for suspension and expulsion and the procedures for considering, recommending and/or implementing suspension and expulsion shall be only those specified in law, in this policy, and in the accompanying administrative regulation.

Except when otherwise permitted by law, a student may be suspended or expelled only when the behavior is related to a school activity or school attendance occurring within any district school or another school district, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

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

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the district's nondiscrimination policies.

Appropriate Use of Suspension Authority

Except when a student's act violates Education Code 48900(a)-(e), as listed in items #1-5 under "Grounds for Suspension and Expulsion: Grades K-8" of the accompanying administrative regulation, or when the student's presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5, 48900.6)

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to on-campus or off-campus suspension.

No student in grades K-8 may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

On-Campus Suspension

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, but who pose no imminent danger or threat

to anyone at school and for whom expulsion proceedings have not been initiated, the Superintendent or designee shall establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

Authority to Expel

A student may be expelled only by the Governing Board. (Education Code 48918(j))

As required by law, the Superintendent shall recommend expulsion and the Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: (Education Code 48915)

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Selling or otherwise furnishing a firearm
3. Brandishing a knife at another person
4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 287, or 289, or committing a sexual battery as defined in Penal Code 243.4
6. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulation, the Superintendent or principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following: (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. That 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

A vote to expel a student shall be taken in an open session of a Board meeting.

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. (Education Code 48917)

No student shall be expelled for disruption or willful defiance. (Education Code 48900)

No child enrolled in a preschool program shall be expelled except under limited circumstances as specified in AR 5148.3 - Preschool/Early Childhood Education.

Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and/or expulsion by affording them their due process rights under the law. The Superintendent and designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation (Education Code 48911, 48915, 48915.5, 48918)

Maintenance and Monitoring of Outcome Data

The Superintendent or designee shall maintain outcome data related to student suspensions and expulsions in accordance with Education Code 48900.8 and 48916.1, including, but not limited to, the number of students recommended for expulsion, the grounds of each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period. For any expulsion that involves the possession of a firearm, such data shall include the name of the school and the type of firearm involved, as required pursuant to 20 USC 7961. Suspension and expulsion data shall be reported to the Board annually and to the California Department of Education when so required.

In presenting the report to the Board, the Superintendent or designee shall disaggregate data on suspensions and expulsions by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. Based on the data, the Board shall address any identified disparities in the imposition of student discipline and shall determine whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Civ. Code 47
Civ. Code 48.8
Code of Civil Procedure 1985-1997
Ed. Code 17292.5
Ed. Code 1981-1983
Ed. Code 212.5
Ed. Code 233
Ed. Code 32260-32262
Ed. Code 35145
Ed. Code 35146
Ed. Code 35291
Ed. Code 35291.5
Ed. Code 48645.5
Ed. Code 48660-48666
Ed. Code 48853-48853.5
Ed. Code 48900-48927
Ed. Code 48950
Ed. Code 48980
Ed. Code 49073-49079
Ed. Code 52052
Ed. Code 52060-52077

Description

[Privileged communication](#)
[Defamation liability](#)
[Production of evidence; means of production](#)
[Program for expelled students; facilities](#)
[Enrollment of students in community school](#)
[Sexual harassment](#)
[Hate violence](#)
[Interagency School Safety Demonstration Act of 1985](#)
[Open board meetings](#)
[Closed sessions regarding suspensions](#)
[Rules for government and discipline of schools](#)
[Rules and procedures on school discipline](#)
[Former juvenile court school students; enrollment](#)
[Community day schools](#)
[Foster youth](#)
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[Local control and accountability plan](#)

Ed. Code 64000-64001
Ed. Code 8489-8489.1
Gov. Code 11455.20
Gov. Code 54950-54963
H&S Code 11014.5
H&S Code 11053-11059
Lab. Code 230.7
Pen. Code 240
Pen. Code 241.2
Pen. Code 242
Pen. Code 243.2
Pen. Code 243.4
Pen. Code 245
Pen. Code 245.6
Pen. Code 261
Pen. Code 266c
Pen. Code 286
Pen. Code 287
Pen. Code 288
Pen. Code 289
Pen. Code 31
Pen. Code 417.27
Pen. Code 422.55
Pen. Code 422.6
Pen. Code 422.7
Pen. Code 422.75
Pen. Code 626.10
Pen. Code 626.2

Pen. Code 626.9
Pen. Code 868.5
W&I Code 224.1
W&I Code 729.6

Federal

18 USC 921
20 USC 1415(K)

20 USC 7961
42 USC 11431-11435

Management Resources

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Description

Definitions; firearms and ammunition
Students with disabilities; placement in alternative educational setting
Gun-Free Schools Act
Education of homeless children and youths

Description

80 Ops.Cal.Atty.Gen. 348 (1997)
80 Ops.Cal.Atty.Gen. 85 (1997)
80 Ops.Cal.Atty.Gen. 91 (1997)
84 Ops.Cal.Atty.Gen. 146 (2001)
Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321
Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182
Garcia v. Los Angeles Board of Education (1981) 123 Cal. App. 3d 807

Court Decision	John A. v. San Bernardino School District (1982) 33 Cal. 3d 301
Court Decision	T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267
Court Decision	Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421
U.S. DOE, Office for Civil Rights	Dear Colleague Letter on the Nondiscriminatory
Publication	Administration of School Discipline, January 2014
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office of Safe and Healthy Students
Website	California Attorney General's Office
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1313	Civility
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3515	Campus Security
3515	Campus Security
3515.4	Recovery For Property Loss Or Damage
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3516.2	Bomb Threats
4158	Employee Security
4158	Employee Security
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4258	Employee Security
4358	Employee Security
4358	Employee Security
5000	Concepts And Roles
5112.1	Exemptions From Attendance
5112.1	Exemptions From Attendance
5113	Absences And Excuses
5113	Absences And Excuses
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5116.2	Involuntary Student Transfers
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5119	Students Expelled From Other Districts
5119	Students Expelled From Other Districts

5125	Student Records
5125	Student Records
5125.2	Withholding Grades, Diploma Or Transcripts
5131	Conduct
5131.1	Bus Conduct
5131.1	Bus Conduct
5131.2	Bullying
5131.2	Bullying
5131.4	Student Disturbances
5131.4	Student Disturbances
5131.5	Vandalism And Graffiti
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5131.62	Tobacco
5131.62	Tobacco
5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
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5144	Discipline
5144	Discipline
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5144.4	Required Parental Attendance
5144.4	Required Parental Attendance
5145.12	Search And Seizure
5145.2	Freedom Of Speech/Expression
5145.2	Freedom Of Speech/Expression
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E PDF(1)	Parent/Guardian Notifications
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.9	Hate-Motivated Behavior
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition
6145.5	Student Organizations And Equal Access
6145.5	Student Organizations And Equal Access
6145.8	Assemblies And Special Events
6153	School-Sponsored Trips
6153	School-Sponsored Trips
6154	Homework/Makeup Work
6154	Homework/Makeup Work
6158	Independent Study

6158	<u>Independent Study</u>
6161.2	<u>Damaged Or Lost Instructional Materials</u>
6163.4	<u>Student Use Of Technology</u>
6163.4	<u>Student Use Of Technology</u>
6163.4-E PDF(1)	<u>Student Use Of Technology - Acceptable Use Agreement For Electronic Resources</u>
6164.6	<u>Identification And Education Under Section 504</u>
6164.6	<u>Identification And Education Under Section 504</u>
6173	<u>Education For Homeless Children</u>
6173	<u>Education For Homeless Children</u>
6173-E PDF(1)	<u>Education For Homeless Children</u>
6173.1	<u>Education For Foster Youth</u>
6173.1	<u>Education For Foster Youth</u>
9000	<u>Role Of The Board</u>
9321	<u>Closed Session</u>
9322	<u>Agenda/Meeting Materials</u>

Regulation 5144.1: Suspension And Expulsion/Due Process

Status: ADOPTED

Original Adopted Date: 12/07/2021 | **Last Reviewed Date:** 12/07/2021

Definitions

Suspension means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level
2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910.

Expulsion means removal of a student from the immediate supervision and control, or the general supervision, of school personnel. (Education Code 48925)

Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension and expulsion. (Education Code 35291, 48900.1, 48980)

Grounds for Suspension and Expulsion: Grades K-8

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows and in the section "Additional Grounds for Suspension and Expulsion: Grades 4-8" below:

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon the person of another, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code 48900(a) and (t))
2. 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 student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence (Education Code 48900(b))
3. Unlawfully possessed, used, sold, or otherwise furnished, 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 (Education Code 48900(c))

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as such controlled substance, alcohol beverage, or intoxicant (Education Code 48900(d))
5. Committed or attempted to commit robbery or extortion (Education Code 48900(e))
6. Caused or attempted to cause damage to school property or private property (Education Code 48900(f))
7. Stole or attempted to steal school property or private property (Education Code 48900(g))
8. Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel except that this restriction shall not prohibit a student from using or possessing prescription products (Education Code 48900(h))
9. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code 48900 (i))
10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5 (Education Code 48900(j))
11. Knowingly received stolen school property or private property (Education Code 48900(l))
12. Possessed an imitation firearm (Education Code 48900(m))

Imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))

13. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 287, 288, or 289, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))
14. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code 48900(o))
15. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code 48900(p))
16. Engaged in, or attempted to engage in, hazing (Education Code 48900(q))

Hazing means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events (Education Code 48900(q))

17. Engaged in an act of bullying (Education Code 48900(r))

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to self or property; cause the student to experience a substantially detrimental effect on physical or mental health; or cause the student to experience substantial interferences with academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school. (Education 48900(r))

Bullying includes any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 and below in the section "Additional Grounds for Suspension and Expulsion: Grades 4-8," that has any of the effects described above on a reasonable student.

Bullying also includes an act of cyber sexual bullying by a student through the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording that depicts a nude, semi-nude, or sexually explicit photograph or other visual recording of an identifiable minor, when such dissemination is to another student or to school personnel by means of an electronic act and has or can be reasonably predicted to have one or more of the effects of bullying described above. Cyber sexual bullying does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

Electronic act means the creation or transmission originated on or off the school site by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, a:

- a. A message, text, sound, video, or image
- b. A post on a social network-internet website, including, but not limited to, posting to or creating a burn page or creating a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

Reasonable student means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of the student's age, or for a person of the student's age and disability. (Education Code 48900(r))

18. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31 (Education Code 48900(t))

19. Made terrorist threats against school officials and/or school property (Education Code 48900.7)

A *terrorist threat* includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code 48900.7)

Additional Grounds for Suspension and Expulsion: Grades 4-8

A student in grades 4-8 is also subject to suspension or recommendation for expulsion when it is determined that the student:

1. Committed sexual harassment as defined in Education Code 212.5 (Education Code 48900.2)

Sexual harassment means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

2. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233 (Education Code 48900.3)

Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)

3. Intentionally engaged in harassment, threats or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment (Education Code 48900.4)

Suspension from Class by a Teacher

A teacher may suspend any student from class for the remainder of the day and the following day for any of the acts specified in Education Code 48900 and listed as items #1-18 under "Grounds for Suspension and Expulsion: Grades K-8" above or for disruption or willful defiance at any grade level. (Education Code 48910)

When suspending a student from class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. If that action requires the continuing presence of the student at school, the student shall be appropriately supervised during the class periods from which the student has been removed. (Education Code 48910)

As soon as possible after the teacher decides to suspend the student, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the suspension. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code 48910)

A student suspended from class shall not be returned to class during the period of suspension without the approval of the teacher of the class and the principal or designee. (Education Code 48910)

A student removed from class shall not be placed in another regular class during the period of suspension.

However, a student assigned to more than one class per day continue to attend other regular classes

except those held at the same time as the class from which the student was suspended. (Education Code 48910)

The teacher of any class from which a student is suspended may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

Suspension by Superintendent, Principal or Principal's Designee

To implement disciplinary procedures at a school site, the principal may, in writing, designate as the principal's designee another administrator or, if the principal is the only administrator at the school site, a certificated employee. As necessary, the principal may, in writing, also designate another administrator or certificated employee as the secondary designee to assist with disciplinary procedures when the principal and the principal's primary designee are absent from the school site.

The Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity to have committed any of the acts listed in the Board policy under "Authority to Expel" for which a recommendation of expulsion is required. (Education Code 48915(c))

The Superintendent, principal, or designee may impose a suspension for a first offense if it is determined that the student violated any of items #1-5 listed under "Grounds for Suspension and Expulsion: Grades K-8" above or if the student's presence causes a danger to persons.-

For all other offenses, a student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct in the student. (Education Code 48900.5)

When other means of correction are implemented prior to imposing suspension upon the student, including supervised suspension, the Superintendent, principal, or designee shall document the other means of correction used and retain them in the student's record. (Education Code 48900.5)

Length of Suspension

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days (Education Code 48911)

A student may be suspended from school for not more than 20 school days in any school year; However, if a student enrolls in or is transferred to another regular school, or an opportunity school in which case suspension shall not exceed 30 days in any school year. The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903, 48911, 48912)

These restrictions on the number of days of suspension shall not apply when the suspension is extended pending an expulsion. (Education Code 48911)

Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

1. Informal Conference: Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or principal designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the

conference, the student shall be informed of the reason for the disciplinary action, including the other means of correction that were attempted before the suspension pursuant to Education Code 48900.5, and the evidence against the student, and shall be given the opportunity to present the student's version and evidence. (Education Code 48911)

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving a clear and present danger to the lives, safety or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference and the conference shall be held within two school days, unless the student waives the right to it or is physically unable to attend for any reason. In such case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)
3. **Notice to Parents/Guardians:** At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911)

This notice shall state the specific offense committed by the student. (Education Code 48900.8).

In addition, the notice may state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.

4. **Parent/Guardian Conference:** Whenever a student is suspended, school officials may request a meeting with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

While the parent/guardian is required to respond without delay to a request for a conference, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied readmission solely because the parent/guardian failed to attend the conference. (Education Code 48911)

5. **Extension of Suspension:** If the Board is considering the expulsion of a suspended student from any school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made decision, provided the following requirements are followed: (Education Code 48911)
 - a. The extension of the original period of suspension is preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension.
 - b. The Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at

the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

- c. If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. (Education Code 48853.5, 48911, 48918.1)
- d. If the student involved is a homeless child or youth, the Superintendent or designee shall notify the district liaison for homeless students. (Education Code 48918.1)

In lieu or in addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct the behavior and keep the student in school.

On-Campus Suspension

A student for whom an expulsion action has not been initiated and who pose no imminent danger or threat to the school, students, or staff may be assigned to on-campus suspension in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The on-campus suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The on-campus suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. The student shall be responsible for contacting the student's teacher(s) to receive assignments to be completed in the on-campus suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to an on-campus suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing. (Education Code 48911.1)

Superintendent or Principal's Authority to Recommend Expulsion

Unless the Superintendent or principal determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, the principal or Superintendent shall recommend a student's expulsion for any of the following acts: (Education Code 48915(a))

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance, as listed in Health and Safety Code 11053-11058, except for (a) the first offense for the possession of not more than one ounce of marijuana,

other than concentrated cannabis, or (b) the student's possession of over-the-counter medication or other medication prescribed by a physician

4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

In determining whether or not to recommend the expulsion of a student, the Superintendent, principal, or designee shall act as quickly as possible to ensure that the student does not lose instructional time. (Education Code 48915)

Student's Right to Expulsion Hearing

Any student recommended for expulsion shall be entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines the student has committed the act(s) that form the basis for the expulsion recommendation. (Education Code 48918(a))

The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (Education Code 48918(a))

If the Board finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a)).

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

Stipulated Expulsion

After a determination that a student has committed an expellable offense, the Superintendent, principal, or designee shall offer the student and parent/guardian the option to waive a hearing and stipulate to the expulsion or to a suspension of the expulsion under certain conditions. The offer shall be made only after the student or parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code 48918.

The stipulation agreement shall be in writing and shall be signed by the student and parent/guardian. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of the right to have a full hearing, to appeal the expulsion to the County Board of Education, and to consult legal counsel.

A stipulated expulsion agreed to by the student and parent/guardian shall be effective upon approval by

the Board.

Rights of Complaining Witness

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental or emotional needs of a student who is the complaining witness. (Education Code 48918.5)

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, the Superintendent or designee shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of the right to: (Education Code 48918.5)

1. Receive five days' notice of the scheduled testimony at the hearing
2. Have up to two adult support persons present at the hearing at the time the witness testifies
3. Have a closed hearing during the time the witness testifies

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)

Written Notice of the Expulsion Hearing

Written notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48900.8, 48918(b))

1. The date and place of the hearing
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based
3. A copy of district disciplinary rules which relate to the alleged violation
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment

This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney adviser.

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

Nonattorney adviser means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case, and has been selected by the student or student's parent/guardian to

provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing
7. The opportunity to confront and question all witnesses who testify at the hearing
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses

Additional Notice of Expulsion Hearing for Foster Youth and Homeless Youth

If the student facing expulsion is a foster student, the Superintendent or designee shall also send notice of the hearing to the student's attorney and a representative of an appropriate child welfare agency at least 10 days prior to the hearing. (Education Code 48918.1)

If the student facing expulsion is a homeless student, the Superintendent or designee shall also send notice of the hearing to the district liaison for homeless students at least 10 days prior to the hearing. (Education Code 48918.1)

Any notice for these purposes may be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be public to the extent that privacy rights of other students are not violated. (Education Code 48918)

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student also shall be allowed to attend the closed session. (Education Code 48918(c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to testify in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including but not limited to videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))
3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County

Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Governing Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(i))

4. Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Governing Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion: Grades K-8," "Additional Grounds for Suspension and Expulsion: Grades 4-8" above. (Education Code 48918(h))

Findings of fact shall be based solely on the evidence at the hearing. Although no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f))

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

5. Testimony by Complaining Witnesses: The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)
 - a. Any complaining witness shall be given five days' notice before being called to testify.
 - b. Any complaining witness shall be entitled to have up to two adult support persons, including but not limited to, a parent/guardian or legal counsel, present during the testimony.
 - c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
 - d. The person presiding over the hearing may remove a support person who is disrupting the hearing.
 - e. If one or both support persons are also witnesses, the hearing shall be conducted according to Penal Code 868.5.

- f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
 - g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the District shall provide a nonthreatening environment.
 - i. The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
 - ii. At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which the complaining witness may leave the hearing room.
 - iii. The person conducting the hearing may:
 - A. Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
 - B. Limit the time for taking the testimony of a complaining witness to normal school hours, if there is no good cause to take the testimony during other hours
 - C. Permit one of the support persons to accompany the complaining witness to the witness stand
6. Decision: The Board's decision as to whether to expel a student shall be made within 40 school days after the student is removed from school, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. The Board may also appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918)

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing," including the requirement to issue a decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed. (Education Code 48918(a) and (d))

The hearing officer or administrative panel shall, within three school days after the hearing, determine

whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated and permitted to return to the classroom instructional program from which the referral was made, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by the student's parent/guardian, the Superintendent or designee shall consult with the parent/guardian and district staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f))

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion. If the hearing officer or administrative panel recommends that the Board expel a student but suspend the enforcement of the expulsion, the student shall not be reinstated and permitted to return to the classroom instructional program from which the referral was made until the Board has ruled on the recommendation. (Education Code 48917, 48918)

Final Action by the Board

Whether the expulsion hearing is conducted in closed or open session by the Board, a hearing officer, or an administrative panel or is waived through the signing of a stipulated expulsion agreement, the final action to expel shall be taken by the Board in public. (Education Code 48918(j))

The Board's decision is final. If the decision is to not expel, the student shall be reinstated immediately. If the decision is to suspend the enforcement of the expulsion, the student shall be reinstated under the conditions of the suspended expulsion.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for any "mandatory recommendation and mandatory expulsion" act listed in the section "Authority to Expel" in the accompanying Board policy, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during the summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review, as well as assessment of the student at the time of review, for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

With parent/guardian consent, students who have been expelled for reasons relating to controlled

substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

Written Notice to Expel

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under “Grounds for Suspension and Expulsion: Grades K-8” or “Additional Grounds for Suspension and Expulsion: Grades 4-8” (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. Notice of the student’s or parent/guardian’s obligation to inform any new district in which the student seeks to enroll of the student’s status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

Decision Not to Enforce Expulsion Order

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion order, the Board shall take into account the following criteria:

1. The student’s pattern of behavior
2. The seriousness of the misconduct
3. The student’s attitude toward the misconduct and willingness to follow a rehabilitation program

The suspension of the enforcement of an expulsion shall be governed by the following:

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student’s rehabilitation. This rehabilitation program may provide for the involvement of the student’s parent/guardian in the student’s education. However, a parent/guardian’s refusal to participate in the rehabilitation program shall not be considered in the Board’s determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under “Grounds for Suspension and Expulsion: Grades K-8” or “Additional Grounds for Suspension and Expulsion: Grades 4-8” above or violates any of the

district's rules and regulations governing student conduct. (Education Code 48917)

4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)
6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the time of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 48918(j)).
7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board—(Education Code 48917)

Appeal

The student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion order is suspended and the student is placed on probation. (Education Code 48919)

If the student submits a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board, the district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

Notification to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance, or of any student acts involving the possession, sale, furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900 (c) or (d), relating to the possession, use, offering or sale of controlled substances, alcohol, or intoxicants of any kind. (Education Code 48902)

Placement During Expulsion

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

Appropriately prepared to accommodate students who exhibit discipline problems

Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at such a site

Not housed at the school site attended by the student at the time of suspension

When the placement described above is not available and when the County Superintendent so certifies, students expelled for only acts described in items #6-12 under "Grounds for Suspension and Expulsion: Grades K-8" and items #1-3 under "Additional Grounds for Suspension and Expulsion: Grades 4-8" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school. (Education Code 48915)

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. (Education Code 48916.1)

Readmission After Expulsion

Prior to the date set by the Board for the student's readmission:

1. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
2. The Superintendent or designee shall transmit to the Board a recommendation regarding readmission. The Board shall consider this recommendation in closed session. If a written request for open session is received from the parent/guardian or adult student, it shall be honored to the extent that privacy rights of other students are not violated.
3. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
4. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)
5. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)
6. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

No student shall be denied readmission into the district based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other such contact with the juvenile justice system. (Education Code 48645.5)

Maintenance of Records

The district shall maintain a record of each suspension and expulsion, including its specific cause(s). (Education Code 48900.8) shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon written request by that school. (Education Code 48918(k))

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Civ. Code 47
Civ. Code 48.8
Code of Civil Procedure 1985-1997
Ed. Code 17292.5
Ed. Code 1981-1983
Ed. Code 212.5
Ed. Code 233
Ed. Code 32260-32262
Ed. Code 35145
Ed. Code 35146
Ed. Code 35291
Ed. Code 35291.5
Ed. Code 48645.5
Ed. Code 48660-48666
Ed. Code 48853-48853.5
Ed. Code 48900-48927
Ed. Code 48950
Ed. Code 48980
Ed. Code 49073-49079
Ed. Code 52052
Ed. Code 52060-52077
Ed. Code 64000-64001
Ed. Code 8489-8489.1
Gov. Code 11455.20
Gov. Code 54950-54963
H&S Code 11014.5
H&S Code 11053-11059
Lab. Code 230.7
Pen. Code 240
Pen. Code 241.2
Pen. Code 242

Description

[Privileged communication](#)
[Defamation liability](#)
[Production of evidence; means of production](#)
[Program for expelled students; facilities](#)
[Enrollment of students in community school](#)
[Sexual harassment](#)
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[Interagency School Safety Demonstration Act of 1985](#)
[Open board meetings](#)
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Pen. Code 243.2	Battery on school property
Pen. Code 243.4	Sexual battery
Pen. Code 245	Assault with deadly weapon
Pen. Code 245.6	Hazing
Pen. Code 261	Rape defined
Pen. Code 266c	Unlawful sexual intercourse
Pen. Code 286	Sodomy defined
Pen. Code 287	Oral Copulation
Pen. Code 288	Lewd or lascivious acts with child under age 14
Pen. Code 289	Penetration of genital or anal openings
Pen. Code 31	Principal of a crime; defined
Pen. Code 417.27	Laser pointers
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes; harassment
Pen. Code 422.7	Aggravating factors for punishment
Pen. Code 422.75	Enhanced penalties for hate crimes
Pen. Code 626.10	Dirks, daggers, knives, razors, or stun guns
Pen. Code 626.2	Entry upon campus after written notice of suspension or dismissal without permission
Pen. Code 626.9	Gun-Free School Zone Act of 1995
Pen. Code 868.5	Supporting person; attendance during testimony of witness
W&I Code 224.1	Indian child; definition
W&I Code 729.6	Counseling
Federal	Description
18 USC 921	Definitions; firearms and ammunition
20 USC 1415(K)	Students with disabilities; placement in alternative educational setting
20 USC 7961	Gun-Free Schools Act
42 USC 11431-11435	Education of homeless children and youths
Management Resources	Description
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 348 (1997)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 85 (1997)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 91 (1997)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 146 (2001)
Court Decision	Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321
Court Decision	Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182
Court Decision	Garcia v. Los Angeles Board of Education (1981) 123 Cal. App. 3d 807
Court Decision	John A. v. San Bernardino School District (1982) 33 Cal. 3d 301
Court Decision	T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267
Court Decision	Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421
U.S. DOE, Office for Civil Rights	Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014
Publication	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office of Safe and Healthy Students
Website	

Website	California Attorney General's Office
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1313	Civility
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3515	Campus Security
3515	Campus Security
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3516.2	Bomb Threats
4158	Employee Security
4158	Employee Security
4258	Employee Security
4258	Employee Security
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4358	Employee Security
5000	Concepts And Roles
5112.1	Exemptions From Attendance
5112.1	Exemptions From Attendance
5113	Absences And Excuses
5113	Absences And Excuses
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5116.2	Involuntary Student Transfers
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5119	Students Expelled From Other Districts
5119	Students Expelled From Other Districts
5125	Student Records
5125	Student Records
5125.2	Withholding Grades, Diploma Or Transcripts
5131	Conduct
5131.1	Bus Conduct
5131.1	Bus Conduct
5131.2	Bullying
5131.2	Bullying
5131.4	Student Disturbances
5131.4	Student Disturbances

5131.5	Vandalism And Graffiti
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
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5131.62	Tobacco
5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5142	Safety
5142	Safety
5144	Discipline
5144	Discipline
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5144.4	Required Parental Attendance
5144.4	Required Parental Attendance
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5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E PDF(1)	Parent/Guardian Notifications
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.9	Hate-Motivated Behavior
5148.3	Preschool/Early Childhood Education
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6145	Extracurricular And Cocurricular Activities
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6145.2	Athletic Competition
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6145.5	Student Organizations And Equal Access
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6145.8	Assemblies And Special Events
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6154	Homework/Makeup Work
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6161.2	Damaged Or Lost Instructional Materials
6163.4	Student Use Of Technology
6163.4	Student Use Of Technology
6163.4-E PDF(1)	Student Use Of Technology - Acceptable Use Agreement For Electronic Resources
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6173	Education For Homeless Children
6173	Education For Homeless Children

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Regulation 5144.2: Suspension And Expulsion/Due Process (Students With Disabilities)

Status: ADOPTED

Original Adopted Date: 05/14/2001 | **Last Revised Date:** 05/12/2012 | **Last Reviewed Date:** 05/12/2022

A student identified as an individual with disabilities pursuant to the Individuals with Disabilities Education Act (IDEA), 20 USC 1400-1482 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 district's code of student 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)

The district 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 district 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.
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.

The district 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, the district would be deemed to not have knowledge if the district conducted an evaluation pursuant to 34 CFR 300.300-300.311 and determined that the student was not an individual with a disability. When the district 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)

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures pursuant to 34 CFR 300.530, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities. (20 USC 1415(k)(5); 34 CFR 300.534)

Suspension

The Superintendent 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 shall monitor the number of days, including portions of days, in which a student with valid individualized education programs (IEP) have been suspended during the school year.

The district shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall be deemed to have occurred under any of the following circumstances: (34 CFR 300.536)

1. The removal is for more than 10 consecutive school days.
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
 - a. The series of removals total more than 10 school days in a school year.
 - b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.
 - c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

If the removal has been determined to be a change of placement as specified in items #1-2 above or the student is suspended for more than 10 school days in the same school year, the student's IEP team shall determine the appropriate educational services. (34 CFR 300.530)

Services During Suspension

Any student suspended for more than 10 school days in the same school year shall continue to receive services during the term of the suspension. School personnel, in Suspension and Consultation with at least one of the student's teachers, shall determine the extent to which services are needed as provided in 34 CFR 300.101(a), so as to enable the student to continue to participate in the general education curriculum in another setting and to progress toward meeting the goals as set out in his/her IEP. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

If a student with disabilities is excluded from school bus transportation, the student shall be provided with an alternative form of transportation at no cost to the student his/her or parent/guardian, provided that transportation is specified in his/her IEP. (Education Code 48915.5)

Interim Alternative Educational Placement Due to Dangerous Behavior

The district may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard as to whether the behavior is a manifestation of the student's disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function: (20 USC 1415(k)(1)(G); 34 CFR 300.530)

1. Carries or possesses a weapon, as defined in 18 USC 930

2. Knowingly possesses or uses illegal drugs
3. Sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), Schedules I-V
4. Inflicts serious bodily injury upon another person as defined in 18 USC 1365

The student's alternative educational setting shall be determined by his/her IEP team. (20 USC 1415(k)(1)(G); 34 CFR 300.531)

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)

A student who has been removed from his/her current placement because of dangerous behavior shall receive services, although in another setting, to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

Manifestation Determination

The following procedural safeguards shall apply when a student with a disability 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 student is contemplated due to a violation of the district's 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)
2. Manifestation Determination Review: Immediately if possible, but in no case later than 10 school days after the date of 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); 34CFR 300.530)

At the manifestation determination review, the district, the student's parent/guardian, and relevant members of the IEP team (as determined by the district 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); 34CFR 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

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

4. 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)

The student shall receive services to the extent necessary to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

Due Process Appeals

If the parent/guardian disagrees with any district decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances) or 34 CFR 300.531 (interim alternative placement), or the manifestation determination under 34 CFR 300.530(e), he/she may appeal the decision by requesting a hearing. The district may request a hearing if the district believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b). (20 USC 1415(k)(3); 34 CFR 300.532)

Whenever a hearing is requested as specified above, the parent/guardian or the district shall have an opportunity for an expedited due process hearing consistent with requirements specified in 34 CFR 300.507, 300.508(a)-(c), and 300.510-300.514.

If the student's parent/guardian or the district has initiated a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise. (20 USC 1415(k)(4); 34 CFR 300.533)

Readmission

Readmission procedures for students with disabilities shall be the same as those used for all students. Upon readmission, an IEP team meeting shall be convened to review and, as necessary, modify the student's IEP.

Suspension of Expulsion

The Governing Board's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students. (Education Code 48917)

Notification to Law Enforcement Authorities

Law enforcement notification requirements involving students with disabilities shall be the same as those specified for all students in AR 5144.1 - Suspension and Expulsion/Due Process.

When giving any required notification concerning a student with disabilities to any law enforcement official, the principal or designee shall require the law enforcement official to certify in writing that he/she will not disclose the student's information or records to any other person without the prior written consent of the student's parent/guardian (Education Code 49076)

Report to County Superintendent of Schools

The Superintendent shall report to the County Superintendent when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action. (Education Code 48203)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Ed. Code 35146
Ed. Code 35291
Ed. Code 48203
Ed. Code 48853.5

Ed. Code 48900-48925
Ed. Code 49076
Ed. Code 56000
Ed. Code 56320
Ed. Code 56321
Ed. Code 56329
Ed. Code 56340-56347
Ed. Code 56505
Ed. Code 56521.2
Pen. Code 245
Pen. Code 626.10
Pen. Code 626.2

Pen. Code 626.9

Federal

18 USC 1365
18 USC 930
20 USC 1412
20 USC 1414

Description

[Closed sessions regarding suspensions](#)
[Rules of governing board](#)
[Reports of severance of attendance of disabled students](#)
[Foster youth and Indian child's representatives' right to receive notices](#)
[Suspension and expulsion](#)
[Access to student records](#)
[Special education; legislative findings and declarations](#)
[Educational needs; requirements](#)
[Development or revision of individualized education program](#)
[Independent educational assessment](#)
[Individualized education program teams](#)
[State hearing](#)
[Behavioral interventions](#)
[Assault with deadly weapon](#)
[Dirks, daggers, knives, razors, or stun guns](#)
[Entry upon campus after written notice of suspension or dismissal without permission](#)
[Gun-Free School Zone Act of 1995](#)

Description

Serious bodily injury
Weapons
State eligibility
Evaluations, eligibility determinations, individualized education programs, and educational placements

20 USC 1415	Procedural safeguards
21 USC 812	Schedule of controlled substances
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 104.35	Evaluation and placement
34 CFR 104.36	Procedural safeguards
34 CFR 300.1-300.818	Assistance to states for the education of students with disabilities
34 CFR 300.530-300.537	Discipline procedures
Management Resources	Description
Court Decision	Honig v. Doe (1988) 484 U.S. 305
Court Decision	M.P. v. Governing Board of Grossmont Union High School District (1994) 858 F.Supp. 1044
Court Decision	Parents of Student W. v. Puyallup School District (1994 9th Cir.) 31 F.3d 1489
Court Decision	Schaffer v. Weast (2005) 546 U.S. 49
Federal Register	Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845
Ofc of Special Education & Rehabilitative Svcs Pub	Letter Commenting on Hearing Officer Authority to Determine whether Conduct is a Violation of Student Code of Conduct, July 2012
Ofc of Special Education & Rehabilitative Svcs Pub	Dear Colleague Letter on Supporting the Needs of Students with Disabilities, July 2022
Ofc of Special Education & Rehabilitative Svcs Pub	Dear Colleague Letter on Supporting the Needs of Students with Disabilities, July 2022
Ofc of Special Education & Rehabilitative Svcs Pub	Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA’s Discipline Provisions, July 2022
Ofc of Special Education & Rehabilitative Svcs Pub	Positive, Proactive Approaches to Supporting Children with Disabilities: A Guide for Stakeholders, July 2022
Office of Administrative Hearings	Parent v. Fairfield-Suisun Unified School District (2012) Case No. 2012030917
U.S. DOE, Office for Civil Rights Publication	Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office of Special Education and Rehabilitative Services
Website	California Department of Education, Special Education
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
3541.2	Transportation For Students With Disabilities
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4158	Employee Security

4158	Employee Security
4258	Employee Security
4258	Employee Security
4358	Employee Security
4358	Employee Security
5116.2	Involuntary Student Transfers
5125	Student Records
5125	Student Records
5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.4	Student Disturbances
5131.4	Student Disturbances
5131.62	Tobacco
5131.62	Tobacco
5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.4	Required Parental Attendance
5144.4	Required Parental Attendance
5145.2	Freedom Of Speech/Expression
5145.2	Freedom Of Speech/Expression
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E PDF(1)	Parent/Guardian Notifications
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.9	Hate-Motivated Behavior
6120	Response To Instruction And Intervention
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.4	Behavioral Interventions For Special Education Students
6163.4	Student Use Of Technology
6163.4	Student Use Of Technology
6163.4-E PDF(1)	Student Use Of Technology - Acceptable Use Agreement For

	<u>Electronic Resources</u>
6164.4	<u>Identification And Evaluation Of Individuals For Special Education</u>
6164.4	<u>Identification And Evaluation Of Individuals For Special Education</u>
6164.5	<u>Student Success Teams</u>
6164.5	<u>Student Success Teams</u>
6164.6	<u>Identification And Education Under Section 504</u>
6164.6	<u>Identification And Education Under Section 504</u>
6173	<u>Education For Homeless Children</u>
6173	<u>Education For Homeless Children</u>
6173-E PDF(1)	<u>Education For Homeless Children</u>
6173.1	<u>Education For Foster Youth</u>
6173.1	<u>Education For Foster Youth</u>
9321	<u>Closed Session</u>



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Governing Board

Tharwa Ahmad
President
Trustee Area 3

Jason Chong
Clerk/President Pro Tem
Trustee Area 2

Brenda Estrada
Member
Trustee Area 4

Jerry Frutos
Member
Trustee Area 5

Rhodia Shead
Member
Trustee Area 1

Dr. Julianne Lee
Superintendent

BUENA PARK SCHOOL DISTRICT

Excerpt from the Minutes of the Regular Meeting of the Governing Board

Buena Park School District
Board Room
6885 Orangethorpe Avenue
Buena Park, CA 90620
April 15, 2024

Members Present: Tharwa Ahmad, Jason Chong, Brenda Estrada, Jerry Frutos, Rhodia Shead

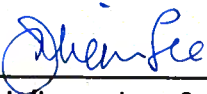
Members Absent: None

Excerpt from Minutes: Motion made by: Ms. Brenda Estrada
Seconded by: Mr. Jerry Frutos

Voting:

Mrs. Tharwa Ahmad - Yes
Mr. Jason Chong - Yes
Mr. Jerry Frutos - Yes
Mrs. Rhodia Shead - Yes
Ms. Brenda Estrada – Yes

Motion passed, Action Item 11L, Approval of the Buena Park School District 2024-2027 Expulsion Plan, approved.



Dr. Julianne Lee, Superintendent
Secretary to the Board



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Governing Board

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President
Trustee Area 3

Jason Chong

Clerk/President Pro Tem
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Brenda Estrada

Member
Trustee Area 4

Jerry Frutos

Member
Trustee Area 5

Rhodia Shead

Member
Trustee Area 1

Dr. Julienne Lee

Superintendent

MEMORANDUM

DATE: April 15, 2024
TO: Dr. Julienne Lee, Superintendent
FROM: Madeline Morrison, Director Student & Community Services
SUBJECT: **UPDATE TO DISTRICT PLAN FOR PROVIDING EDUCATIONAL SERVICES FOR EXPELLED STUDENTS**

BACKGROUND:

Every three years, school districts must develop and update a district plan that provides education services for all expelled students within the county. All school districts in Orange County each have developed their own plan utilizing a model created by the Orange County Department of Education.

The Buena Park School District has updated its plan, which was first approved by the Board of Trustees in 1997, and revised triennially.

RECOMMENDATION:

It is recommended that the Board of Trustees approve the updated 2024-2027 "Plan for Providing Educational Services to all Expelled Students in Orange County", which follows the Orange County Department of Education model.

APPROVED:

Dr. Julienne Lee, Superintendent

4/17/24
Date