

AL MIJARES
County Superintendent of Schools

PLAN BETWEEN THE
ORANGE COUNTY
DEPARTMENT OF EDUCATION
AND
BUENA PARK SCHOOL DISTRICT
FOR THE IMPLEMENTATION OF
EDUCATION CODE
48926 & 48916.1
2021-2024



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PLAN FOR PROVIDING EDUCATIONAL SERVICES TO ALL EXPELLED STUDENTS IN BUENA PARK SCHOOL DISTRICT 2021 - 2024

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 2021-2022, 2022-2023 and 2023-2024. 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).

Educational Alternatives for Expelled Students

The governing board of each school district will determine which educational alternatives are appropriate and available pursuant to 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.
5. Expulsion with referral to the Orange County Department of Education, 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 maintains the responsibility for developing a rehabilitation plan for expelled students and referring students to an appropriate educational setting. Expelled students who complete their rehabilitation plan obligations are reviewed by the district for possible return to district of residence programs. Expelled students who fail to meet the terms and conditions of the district rehabilitation plan for readmission 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.

Charter School Requirements and Expulsion

Charter schools develop their own policies and procedures regarding student expulsion and student dismissal. 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 in regard to expulsion.

A student who is expelled from a charter school may return to the school district of residence. As set forth in Education Code section 47605 (d)(3), if a pupil subject to compulsory full-time education pursuant to 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 to determine whether or not the pupil may enroll in a district school or must be referred to a county community school or district community day school (EC section 48915.2).

Orange County Department of Education Options

Orange County Department of Education Options

The Orange County Department of Education 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 Alternative Education, known as Alternative, Community, and Correctional Education Schools and Services (ACCESS), a Western Association of Schools and Colleges-accredited (WASC) program, and the Division of Special Education Services. The Orange County Department of Education's mission is to ensure that all students are equipped with the competencies they need to thrive in the 21st Century. In addition, ACCESS's mission is to care for, teach, and inspire all students to discover their potential, develop their character, and maximize their learning so they may become successful contributors to society.

The policy of each individual 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 goals and priorities, including but not limited to pupil engagement, school climate and pupil outcomes.

The Orange County Department of Education Division of Special Education Services provides special education programs and services to individuals with exceptional needs requiring intensive educational services. Referrals to the Division of Special Education Services shall be made in accordance with current procedures.

The ACCESS program provides options for expelled youth at over 45 sites contained within 6 Administrative Units located throughout the 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 programs for students who elect, with parent/teacher approval, not to participate in daily classroom instructional programs. These contracted learning/independent study programs require students to complete a minimum of 20 hours per week of educational product.
- Parent directed home instruction independent study programs through the Community Home Education Program (CHEP) serving students in transitional kindergarten (TK) through grade 8 and Pacific Coast High School, a University of California (UC) approved and National Collegiate Athletic Association-accredited program serving students in grades 9-12.

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

ACCESS Administrators regularly meet with school district representatives and agency partners to collaborate and coordinate placement of expelled students. Regional meetings of the Child Welfare and Attendance Administrators as well as district Student Attendance Review Board members provide an avenue for district 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 Administrative Units listed below. Referrals of students eligible under the IDEA shall be made through the IEP process and in accordance with 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 district rehabilitation plan to facilitate returning the student to the school district of residence at completion of the district expulsion. A Supplemental Referral Form and a Return to District Form were developed with the support of District Student Services Administrator's feedback in order to improve communication. Districts will use the "Supplemental Referral Form" to highlight unique needs of student, interventions in place, and rehabilitation plan for student. 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 the case that questions may arise.

ACCESS Administrative Units (AU)

<u>Administrative Units</u>	<u>Address</u>	<u>Phone</u>	<u>Contact Person</u>
AU 101-North	505 N. Euclid Street Suite 500 Anaheim, CA 92801	(714) 245-6795 Fax: (714) 781-5891	Ken Ko
<u>Administrative Units (AU)</u>	<u>Address</u>	<u>Phone</u>	<u>Contact Person</u>
AU 103 Southeast	621 W. 1st Street Tustin, CA 92780	(714) 245-6680 (714) 731-7269 fax	Chris Alfieri
AU 103-Southeast South County Enrollment Office	23436 Madero Suite 100B Mission Viejo, CA 92691	(949) 425-2170 (949) 707-0569 fax	Chris Alfieri
AU 104 Garden Grove	12822 Garden Grove Blvd. Suite D Garden Grove, CA 92843	(714) 245-6450 (714) 796-8817 fax	Talisa Sullivan
AU 108 Pacific Coast High School	14262 Franklin Ave. Suite 100 Tustin, CA 92780	(714) 245-6500 (714) 508-0215 fax	Machele Kilgore
AU 109 CHEP	11095 Knott Ave. Suite L Cypress, CA 90630	(714) 327-1000 (714) 327-1030 fax	Jane Doney
AU 114 Harbor Learning Center / Fountain Valley	15872 S. Harbor Blvd. Building C Fountain Valley, CA 92708	(714) 245-6440 (714) 418-1914 fax	Vern Burton

** Institutions/Court Schools (Placement through the Juvenile Justice Department)*

ACCESS Support Services

Special Education And Student Services	1715 E. Wilshire Ave. Suite 708 Santa Ana, CA 92705	(714) 547-7931 (714) 796-8811 fax	Lynn Garrett
Title I	1735 E. Wilshire Ave. Suites 801 & 802 Santa Ana, CA 92705	(714) 836-0301 (714) 836-1920 fax	Lisa Lanier
Assessment Center	1715 E. Wilshire Ave. Suite 706 Santa Ana, CA 92705	(714) 835-2776 (714) 835-3861 fax	Jane Doney
Attendance and Records	1669 E. Wilshire Ave. Suite 601 Santa Ana, CA 92705	(714) 547-9972 (714) 547-2344 fax	Sharon Lakin

Educational Programs and Services	1715 E. Wilshire Ave. Suite 702 Santa Ana, CA 92705	(714) 647-2593 (714) 543-8962 fax	Katy Ramezani
Curriculum and Instructional Support Services	1735 E. Wilshire Ave. Suite 806 Santa Ana, CA 92705	(714) 558-3380 (714) 558-8245 fax	Rick Martin

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

Previously identified gaps have been examined and considerable improvement has been made through a collaborative process between the 27 Orange County School Districts and the Orange County Department of Education. The 27 School Districts in Orange County and the Orange County Department of Education have committed themselves to an ongoing process to resolve the remaining identified gaps.

Service Gap 1: Expelled Students in Grades K-8

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. A common practice for students expelled in grades K-5 is for the district to suspend the expulsion order and refer the student to another school within the district. With the addition of a new online academy, the Academy for Accelerated Learning will be another consideration for schools to review and recommend based on the impact and severity of the disciplinary matter.

School districts also may collaborate with each other to facilitate enrollment of an expelled elementary school student into a school in a different school district, when appropriate. School districts continue to have available 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 at-risk children and offers community support programs for both the students and their families.

The low number of elementary students in grades K-5 who need alternative placements due to expulsions continue to make it unfeasible to sustain multiple school sites throughout the county.

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 options:

- Transfers within the home district which may include district community day school.
- Skyview Elementary and Middle School, located in the city of Orange, is operated by the OCDE ACCESS program and serves students in grades K-8. The location of the school site in proximity to the district of residence may pose a challenge to student attendance.

- 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-8, as reported to DataQuest, are as follows:

Year	Cumulative Enrollment	Total Expulsions	Expulsion Rate	Ethnicities Reported (Enrollment)
2019-2020	4,721	1	0.02%	1 - Hispanic/Latino (3,139)
2018-2019	4,827	7	0.15%	1 - African American (195) 6 - Hispanic/Latino (3,196)
2017-2018	5,036	1	0.02%	1- Hispanic/Latino (3,340)
2016-2017	5,209	5	0.10%	5 – Hispanic/Latino (3,414)
2015-2016	5,262	0	0.00%	None

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 Support framework with evidence based programs such as Positive Behavior Intervention and Supports, Restorative Practice, and Mindfulness Practice and Social and Emotional Learning resulting in reduction of expulsions.

Service Gap 2: Limited Special Education Placements in ACCESS

The Orange County Department of Education is committed to expanded program options for students with exceptional needs that have been 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 meet the unique needs of individual students through district and non-public agency/school placements.

Progress from 2018

The ACCESS program restructured its special education division to include a Director of Special Education as well as several Special Education Administrative Liaisons to facilitate participation in district IEP team meetings when a referral for an expelled student is made. In addition, ACCESS has continued to increase its special education staff including a focus to address the increased mental health issues for students with special needs. ACCESS is able to provide more intensive counseling services provided by licensed mental health professionals who have been trained in Trauma Informed Care and Restorative Practice. Group therapy programs have also been developed to address issues that impact a

student's social functioning with in the classroom and community, such as social skills, anger management and various coping skill strategies.

All ACCESS Special Education and Safe Schools clinicians have been provided training in Trauma Focused Therapy. OCDE has also expanded it professional development for special education staff, for example specific training has been provided in the Remedial Reading program, both on line and in hard copy form. The on-going challenge continues to be the difficulty in establishing a regionalized program that can be operated and maintained based on an unpredictable number of student referrals. OCDE Special Schools currently has a dual diagnosis classroom at the Harbor Learning Center site. OCDE had also attempted a SDC program for emotional disturbed students in the past but was not successful due to too few students being enrolled to maintain the program.

Ongoing Strategies for Addressing This Gap

Orange County School Districts have continued to expand efforts to provide services to students within their attendance area reducing the need for placements in ACCESS. 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.

Programs for Emotionally Disturbed Students:

- Continued expansion of programs for emotionally disturbed students is contingent upon location of school sites that can accommodate such programs and sufficient enrollment to maintain such programs. Additional training in various behavior management programs for both general education and special education teachers can support the increased needs of students being enrolled with social/emotional 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.

Service Gap 3: Rehabilitation Failures

Students sometimes do not meet the provisions of the expulsion rehabilitation plan and fall behind in their academic studies. In these cases, they are at high risk of not completing their necessary credits and are at a higher risk of dropping out of school.

Progress from 2018

Based on a recent survey of Orange County School Districts, concerns about students failing to satisfy school district rehabilitation plans during the expulsion period were expressed in combination with general concerns with student transition as they reenter the district. Over the past three years, OCDE has continued discussions with the Orange County School Districts to identify systematic approaches to facilitate the regular transfer of the rehabilitation plan upon referral of an expelled student, as well as identify community resources available to support students in meeting their district rehabilitation plan requirements. There continues to be a need to identify the availability of intervention services for students to meet the specific requirements of their rehabilitation plans especially when involving mental health services.

A challenge continues to be communication between the districts and ACCESS in ensuring that the district's rehabilitation plan is completed by the student. Regional Administrative Units help to promote communication between the districts and the county community schools, and ACCESS principals and assistant principals attend county Student Services meetings to facilitate ongoing communication. In addition, the ACCESS Student Attendance Review Board (SARB) process has been coordinated more efficiently and ACCESS utilizes one of its staff members in truancy court to make sure students attend school and are connected to community resources. In hopes to close this service gap further, 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 follow ups needed on ones' rehabilitation plan. When returning to the district, ACCESS staff will use the Student Transition form to communicate information on student's completion of the rehabilitation plan.

Ongoing Strategies for Addressing this Gap

Districts will be asked to provide ACCESS a copy of the rehabilitation plan when referring an expelled student. ACCESS staff will review the rehabilitation plan with the student and, as appropriate, the student's parents, and will assist the student in completing his/her plan requirements. School staff will continue to monitor student achievement toward rehabilitation plan requirements. For students struggling to meet rehabilitation plan requirements, the student consultation team process could be considered to provide additional support. Continued communication and collaboration with school district personnel will continue to be a priority. Enhanced communication promotes student success and early intervention when students are not meeting the terms of the rehabilitation plan. In addition, communication is vital between the districts and ACCESS regarding the status of students who are returning to the district.

OCDE will continue to explore with districts how to utilize and expand existing collaborations to ensure student success with completion of the rehabilitation plan. This includes the use of community non-profits and private programs to assist in carrying out individual student rehabilitation plans.

Service Gap 4: Mental Health Services

Orange County School Districts are seeing an increased need for mental health services and a shortage of affordable and accessible options for students.

Progress from 2018

Districts have been able to exercise greater control of their funding to support mental health services under the Local Control Funding Formula and other legislative changes such as Assembly Bill 114, which repealed AB 3632 and allocated funding directly to the school districts. New hire includes additional school counselors, school social workers and licensed Marriage and Family Therapists. Furthermore, many districts have added administrative positions overseeing mental health services and needs of students. Through the adoption of Local Control Accountability Plans, districts have identified long term goals related to hiring additional school counselors, school social workers, nurses and other support personnel to address pupil engagement, school climate and parent involvement, which allows for enhancement of district resources to address mental health issues.

Ongoing Strategies for Addressing this Gap

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. The development of Local Control Accountability Plans gives greater attention to the mental health needs of

students and the county office will assist districts as they strive to find ways to address the social emotional needs of their students and support the “whole child.” This is one of OCDE’s strategic initiatives articulated in its 2014 -2019 Strategic Plan. OCDE is also heading the California SUMS (Scale Up Multi-Tiered System of Support) initiative, providing technical assistance to many Orange County School Districts in the areas of Academic, Behavioral, and Social and Emotional support. OCDE continues to share-out local resources through network meetings and list serves. The ACCESS program will continue to work with districts to identify and assist expelled students who have mental health issues. The Orange County SELPAs, school districts and OCDE continue to assess any gaps resulting from changes in the funding structures to ensure the availability of appropriate mental health services for both general education and special education students expelled from school.

Service Gap 5: College Course Preparation Access for County Community Students

Within the ACCESS program there is option for students to utilize GradPoint, an online course option with “a-g” approved satisfying the subject requirements for admission into the University of California and California State University systems. This addition has resolved the difficulty for some students returning to their district of residence following their expulsion period in regard to completing the required courses prior to graduation.

Ongoing Strategies for Addressing this Gap

ACCESS has implemented an online program that provides “a-g” approved courses as well as credit recovery options and electives, including career technical education. This program began in January 2015 and expanded the options available to expelled students seeking to satisfy the “a-g” requirements or other college-preparatory courses. ACCESS continues to provide professional development to teachers to effectively utilize the new on-line program. In addition, Pacific Coast High School offers a full range of college-preparatory courses satisfying the “a-g” requirements.

COUNTYWIDE BEHAVIOR INTERVENTIONS AND BEST PRACTICES TO PREVENT SUSPENSIONS AND EXPULSIONS

Orange County schools seek to minimize the number of expulsions by establishing prevention and early intervention practices. School districts pursue a variety of strategies in an effort 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. Districts engage in a number of preventative and proactive strategies including but not limited to the following:

- Adult Mentoring of Students
- After School Programs

- 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)
- Character Counts
- Check-in, check-out
- Come Walk In My Shoes (abilities awareness)
- Community Partnerships
- Conferences between school personnel, the pupil's parent or guardian, and the pupil.
- Conflict Mediators/Conflict Resolution Services
- Crisis Response Network (CRN)
- 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
- 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
- Multi-Tiered System of Support Framework
- Online Classes and Credit Recovery Opportunities
- Parent Meetings and Information Nights
- Peace Week (Anti-bullying week)
- Peer Assistance League (PAL)
- Peer Court
- Police Cadet Programs
- Positive Behavior Intervention and Supports
- 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
- Safety Task Force
- Saturday School
- School Attendance Review Board (SARB)
- School Attendance Review Team (SART)
- School Signs and Notices
- Social Emotional Learning Curriculum
- Student Behavior Contracts
- 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 his or her parents.
- Text-A-Tip
- TUPE/DATE activities
- Tutoring
- Universal Design for Learning
- Violence Prevention Curricula
- Violence Prevention Education Services
- WEB (Where Everybody Belongs)

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 2018-19, 2019-20 and 2020-21. 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 (Peace Walks)	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,	K-8

	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	
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

Buena Park SD
Board Policy
Suspension and Expulsion/Due Process

BP 5144.1
Students

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 Governing 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.

(cf. 5131 - Conduct)
(cf. 5131.1 - Bus Conduct)
(cf. 5131.2 Bullying)

To correct the behavior of any student who is subject to discipline, the Superintendent, to the extent allowed by law, shall first use alternative disciplinary strategies specified in AR 5144 Discipline (Education Code 48900.5)

(cf. 1020 - Youth Services)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5144 - Discipline)
(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.5 - Student Success Teams)

Alternatives to suspension or expulsion also shall be used with students who are truant, tardy, or otherwise absent from assigned school activities.

(cf. 5113 - Absences and Excuses)
(cf. 5113.1 - Chronic Absence and Truancy)

Except for single acts of a grave nature or offenses for which suspension or expulsion is required by law, suspension or expulsion shall be used only when other means of correction have failed to bring about proper conduct or the student's presence causes a continuing danger to himself/herself or others.

(cf. 5131.7 - Weapons and Dangerous Instruments)

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

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

(cf. 0410 - Nondiscrimination in District Programs and Activities)

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to classroom or school removal.

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 Governing 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

(cf. 5131.7 - Weapons and Dangerous Instruments)

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, 288a, 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 under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12," the Superintendent shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Governing 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 public session.

Student Due Process

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

(cf. 5119 - Students Expelled from Other Districts)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

Supervised Suspension Classroom

The Superintendent shall establish a supervised suspension classroom program which meets the requirements of law for students suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, who pose no imminent danger or threat to anyone at school, and for whom expulsion proceedings have not been initiated.

Removal from Class by a Teacher and Parental Attendance

The Governing Board believes that parental involvement plays an important role in the resolution of classroom behavior problems. The Governing Board expects that teachers will communicate with parents/guardians when behavior problems arise.

When suspending a student from class for committing an obscene act, engaging in habitual profanity or vulgarity, disrupting school activities or otherwise willfully defying valid staff authority, the teacher of the class may require any parent/guardian who lives with the student to attend a portion of the school day in the class from which the student is being suspended, to assist in resolving the classroom behavior problems. (Education Code 48900.1)

Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the teacher and the student and the parent/guardian and to improve the student's behavior.

Any teacher requiring parental attendance pursuant to this policy shall apply the policy uniformly to all students within the classroom. (Education Code 48900.1)

When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is pursuant to law. (Education Code 48900.1)

(cf. 5145.6 - Parental Notifications)

A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal. (Education Code 48900.1)

When a parent/guardian does not respond to the request to attend school, the principal or designee shall contact him/her by telephone, mail, or other method that maintains the confidentiality of the student's records.

(cf. 5125 - Student Records)

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code 48900.1)

Decision Not to Enforce Expulsion Order

On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Governing Board pursuant to the requirements of law and administrative regulation. (Education Code 48917)

Maintenance and Monitoring of Outcome Data

The Superintendent shall annually present to the Governing Board a report of the outcome data which the district is required to collect pursuant to Education Code 48900.8 and 48916.1, including the number of students recommended for expulsion, the grounds of each recommended expulsion, the actions taken by the Governing Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period.

The report shall be disaggregated by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, foster youth, and students with disabilities. The report also shall include information about whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

(cf. 0460 - Local Control and Accountability Plan)

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981-1981.5 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings

35146 Closed sessions (re suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48645.5 Readmission; contact with juvenile justice system

48660-48666 Community day schools

48853.5 Foster youth

48900-48927 Suspension and expulsion

48950 Speech and other communication

48980 Parental notifications

49073-49079 Privacy of student records

52060-52077 Local control and accountability plan

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

417.27 Laser pointers

422.55 Hate crime defined

422.6 Interference with exercise of civil rights

422.7 Aggravating factors for punishment

422.75 Enhanced penalties for hate crimes

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razors or stun guns

868.5 Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

1415(k) Placement in alternative educational setting

7151 Gun free schools

UNITED STATES CODE, TITLE 42

11432-11435 Education of homeless children and youths

COURT DECISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County

Board of Education and Kenneth H., (2001) 85 Cal. App. 4th 1321

Garcia v. Los Angeles Board of Education (1991) 123 Cal.App.3d 807

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301, 308

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen 146 (2001)
80 Ops.Cal.Atty.Gen. 348 (1997)
80 Ops.Cal.Atty.Gen. 91 (1997)
80 Ops.Cal.Atty.Gen. 85 (1997)

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing boards to Ensure Student Success, 2011

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014

WEB SITES

CSBA: <http://www.csba.org>

California Attorney General's Office: <http://www.caag.state.ca.us>

California Department of Education: <http://www/cde/ca/gov>

U. S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and Drug-Free Schools:

<http://www.ed.gov/about/offices/list/osdfs>

Policy BUENA PARK SCHOOL DISTRICT

adopted: May 29, 2001 Buena Park, California

revised: April 10, 2017

Buena Park SD
Administrative Regulation
Suspension and Expulsion/Due Process

AR 5144.1
Students

Definitions

Suspension from school 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. Removal from a particular class shall not occur more than once every five school days.

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

Day means a calendar day unless otherwise specifically provided. (Education Code 48925)

School day means a day upon which the schools of the district are in session or weekdays during the summer recess. (Education Code 48925)

Student includes a student's parent/guardian or legal counsel. (Education Code 48925)

Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (Education Code 48911)

School property, for the purposes described in Education Code 48900, includes, but is not limited to, electronic files and databases. (Education Code 48900(u))

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)

(cf. 5144 - Discipline)
(cf. 5145.6 - Parental Notifications)

Grounds for Suspension and Expulsion

Any student, including a student with disabilities, may be subject to suspension or expulsion when it is determined that he/she:

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense. (Education Code 48900(a))

A student who aids or abets the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled. However, such a student may be suspended or expelled pursuant to Education Code 48900(a) when he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury. (Education Code 48900(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's or designee's concurrence. (Education Code 48900(b))

(cf. 5131 - Conduct)
(cf. 5131.7 - Weapons and Dangerous Instruments)

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))

(cf. 5131.6 - Alcohol and Other Drugs)

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 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 any 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 his/her own prescription products. (Education Code 48900(h))

(cf. 5131.62 - Tobacco)

9. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900(I))

10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5. (Education Code 48900(j))

11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))

(cf. 5131.4 - Student Disturbances)

12. Knowingly received stolen school property or private property. (Education Code 48900(l))

13. Possessed an imitation firearm, i.e., a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))

14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4. (Education Code 48900(n))

15. 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))

16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (Education Code 48900(p))

17. 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))

18. 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 himself/herself or his/her property; cause the student to experience a substantially detrimental effect

on his/her physical or mental health; or cause the student to experience substantial interferences with his/her academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying shall include any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 (items #20-22 below), that has any of the effects described above on a reasonable student.

Electronic act means the transmission of a communication, including, but not limited to, a message, text, sound, image, or post on a social network Internet web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication devices, computer, or pager. A post on a social network Internet web site shall include, but is not limited to, the posting or creation of a burn page or the creation of a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

Reasonable students 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 his/her age, or for a person of his/her age with his/her disability. (Education Code 48900(r))

(cf. 1114 - District-Sponsored Social Media)

(cf. 5131.2 - Bullying)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6164.6 - Identification and Education under Section 504)

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)

A student in grades 4 through 12 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

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

Sexual harassment means that conduct, 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)

(cf. 5145.7 - Sexual Harassment)

21. 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)

(cf. 5145.9 - Hate-Motivated Behavior)

22. 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)

(cf. 5145.3 - Nondiscrimination/Harassment)

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any District school or within any other school District, at any time, including but not limited to the following: (Education Code 48900)

1. While on school grounds
2. While going to or coming from school

(cf. 5131.1 - Bus Conduct)

3. During the lunch period, whether on or off the school campus

(cf. 5112.5 - Open/Closed Campus)

Removal from Class by a Teacher and Parental Attendance

A teacher may suspend any student from his/her class for the remainder of the day and the following day for any act listed in "Grounds for Suspension and Expulsion" above. (Education Code 48910)

A teacher also may refer a student to the principal or designee for consideration of suspension from school. (Education Code 48910)

When removing a student from his/her 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, he/she shall be appropriately supervised during the class periods from which he/she has been removed. (Education Code 48910)

As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. 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 removed from class shall not be returned to class during the period of removal without the

approval of the teacher of the class and the principal. (Education Code 48910)

A student removed from class shall not be placed in another regular class during the period of removal. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was removed. (Education Code 48910)

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

Pursuant to Governing Board policy, a teacher may require the parent/guardian of a student whom the teacher has removed attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law. (Education Code 48900.1)

The notice shall specify that the attendance may be on either the date the student scheduled to return to class or within one week thereafter.

This notice shall also:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date
2. State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student
3. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1

Suspension by Superintendent, Principal or Principal's Designee

The Superintendent, principal, or designee may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above. 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 correcting a student's behavior 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)

(cf. 5125 - Student Records)

However, the Superintendent, principal, or designee may impose a suspension upon a first offense if he/she determines that the student violated any of items #1-5 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons. (Education Code 48900.5)

In addition, the Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915)

1. Possessing, as verified by a District employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal's or designee's concurrence
2. Brandishing a knife, as defined in Education Code 48915(g),
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as Penal Code 243.4
5. Possession of an explosive as defined in 18 USC 921

Explosive means a destructive device and includes, but is not limited to, any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device. A destructive device includes any other type of weapon (except a shotgun or shotgun shell recognized by the United States Secretary of Army as suitable for sporting purposes) which might be converted to project an explosive. (18 USC 921)

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)

A student may be suspended from school for not more than 20 school days in any school year, unless for purposes of adjustment, the student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48911, 48912)

(cf. 6184 - Continuation Education)

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)

Suspensions shall be initiated according to 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, presented with the evidence against him/her; and given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911)

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or 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. The conference shall be held within two school days, unless the student waives his/her 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. (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 meet with the parent/guardian to discuss the causes 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 about his/her child's behavior, 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. (Education Code 48911)

5. Extension of Suspension: If the Governing Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent may, in writing, extend the suspension until such time as the Governing Board has made a decision. (Education Code 48911)

Any extension of the original period of suspension shall be 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. Extension of the suspension may be made only if the Superintendent 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)

If the student involved is a foster youth, the Superintendent 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)

(cf. 6173.1 - Education for Foster Youth)

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 his/her behavior and keep him/her in school.

Suspension by the Board

The Governing Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above and within the limits specified in "Suspension by Superintendent, Principal or Principal's Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts listed in "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Governing Board is considering a suspension, disciplinary action or any other action (except expulsion) against any student, it shall hold closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

(cf. 9321 - Closed Session Purposes and Agendas)

The Governing Board shall provide the student and his/her parent/guardian with written notice of the closed session by registered or certificated mail or personal service. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Governing Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

Supervised Suspension Classroom

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 a supervised suspension classroom, in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The supervised suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. The student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teachers 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 a supervised 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)

Authority to Expel

A student may be expelled only by the Governing Board (Education Code 48918(j)). The Governing Board shall expel, as required by law, any student found to have committed any

offense listed below under "Mandatory Recommendation and Mandatory Expulsion." (Education Code 48915)

For all other grounds listed above under "Grounds for Suspension and Expulsion," the Governing Board shall order a student expelled upon the recommendation of the Superintendent, principal, or designee, only if the Governing Board 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

Mandatory Recommendation for Expulsion

Unless the principal or Superintendent 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 as defined in Education Code 48915(g), explosive 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 for his/her use or other medication prescribed for him/her 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)

Mandatory Recommendation and Mandatory Expulsion

The principal or Superintendent shall recommend that the Governing Board expel any student found at school or at a school activity to be: (Education Code 48915(c))

1. Possessing, as verified by a District employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal's or designee's concurrence

However, possession of an imitation firearm, as defined in Education Code 48900(m), shall not be regarded as an offense requiring mandatory recommendation for expulsion and mandatory expulsion.

2. Brandishing a knife as defined in Education Code 48915(g) at another person

3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058

4. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4

5. Possessing an explosive as defined in 18 USC 921

Upon finding that the student committed any of the above acts, the Governing Board shall expel the student. (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 principal or Superintendent determines the student has committed one of the acts listed above under "Grounds for Suspension and Expulsion" has occurred. (Education Code 48918(a))

The student is entitled to 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 Governing Board's discretion. (Education Code 48918(a))

If the Governing Board finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent 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 Governing Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Governing 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))

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 recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the District's suspension and expulsion policy and regulation and shall advise the witness of his/her right to: (Education Code 48918.5)

1. Receive five days' notice of his/her scheduled testimony at the hearing
2. Have up to two adult support persons of his/her choosing present in the hearing at the time he/she testifies
3. Have a closed hearing during the time he/she testifies

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent 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 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).

(cf. 5119 - Students Expelled from Other Districts)

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 advisor.

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 advisor 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

At least 10 days prior to a hearing to determine if a student who is a foster youth as defined under Education Code 48853.5 should be expelled for an offense not requiring a mandatory recommendation for expulsion, the Superintendent shall notify the student's attorney and a representative of an appropriate county child welfare agency. If the hearing is pursuant to an offense requiring a mandatory expulsion recommendation, the Superintendent may provide the same notification. The notice shall 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 the provisions of Government Code 54953 and Education Code 35145, the Governing 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 unless another student's privacy rights would be violated. (Education Code 48918(c))

Whether the expulsion hearing is held in closed or public session, the Governing Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Governing Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student shall also 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 have his/her testimony heard 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 Governing Board may issue subpoenas, at the request of either the student or the Superintendent, 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 Governing 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 to the issuance of subpoenas may be considered by the Governing 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 Governing Board determines, or if the hearing officer or administrative panel finds and submits to the Governing 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 expulsion hearings, 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" 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 hearings involve 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 his/her 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 whom he/she finds 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.
- (1) The District shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
 - (2) 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 he/she may leave the hearing room.
 - (3) 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 the hours he/she is normally in school, 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 Governing Board's decision as to whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, 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 Governing Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. Alternatively, the Governing Board may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Governing Board or on the

staff of the school in which the student is enrolled. (Education Code 48918(d))

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Governing Board as specified above in "Conduct of Expulsion Hearing," including the requirement to issue its 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 Governing Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated. The Superintendent shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with District staff, including the student's teachers, and with the student's parent/guardian. 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 Governing Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Governing 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 Governing Board may order. (Education Code 48918(f))

In accordance with Governing Board policy, the hearing officer or administrative panel may recommend that the Governing Board suspend the enforcement of the expulsion for a period of one year. (Education Code 48917, 48918)

Final Action by the Board

Whether the expulsion hearing is conducted in closed or public session by the Governing Board, a hearing officer, or an administrative panel, the final action to expel shall be taken by the Governing Board at a public meeting. (Education Code 48918(j))

(cf. 9321.1 - Closed Session Actions and Reports)

If the Governing Board conducts the hearing and reaches a decision not to expel, this decision shall be final and the student shall be reinstated immediately.

Upon ordering an expulsion, the Governing Board shall set a date when the student shall be reviewed for readmission to a school within the District. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Governing 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 Governing 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 parental 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 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" (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Governing Board of Education (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 Governing Board policy, when deciding whether to suspend the enforcement of an expulsion, the Governing Board shall take into account the following criteria:

1. The student's pattern of behavior
2. The student's conduct and his/her willingness to follow a rehabilitation program

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

1. The Governing 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

Governing 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 Governing Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" 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 Governing Board shall reinstate the student in a District school. Upon reinstatement, the Governing Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)
6. The Superintendent 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 Governing Board of Education, 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 Governing Board of Education. (Education Code 48917)

Right to Appeal

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

The student shall submit 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 of Education. The district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

Notifications to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the principal 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. In addition, law enforcement authorities shall be notified regarding any acts by students regarding the possession, sale, or furnishment 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 48900Â© or (d), relating to the possession, use, offering or sale of controlled substances, alcohol or intoxicants of any kind. (Education Code 48902)

Post-Expulsion Placements

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

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. 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
3. Not housed at the school site attended by the student at the time of suspension

(cf. 6158 - Independent Study)

(cf. 6185 - Community Day School)

When the placement described above is not available, and when the County Superintendent of Schools so certifies, students expelled for acts described in items #6 through #13 and #20 through #22 under "Grounds for Suspension and Expulsion" above may be instead 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

Readmission procedures shall be as follows:

1. On the date set by the Governing Board when it ordered the expulsion, the District shall consider readmission of the student. (Education Code 48916)
2. The Superintendent 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 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.
3. The Superintendent shall transmit to the Governing Board his/her recommendation regarding

readmission. The Governing Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.

4. If the readmission is granted, the Superintendent shall notify the student and parent/guardian, by registered mail, of the Governing Board's decision regarding readmission.

5. The Governing 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)

6. If the Governing Board denies the readmission of a student, the Governing 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)

7. The Governing 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 Governing Board's determination of the educational program which the Governing 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)

Maintenance of Records

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

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

(cf. 5119 - Students Expelled from Other Districts)

Outcome Data

The Superintendent shall maintain the following data (Education Code 48900.8, 48916.1)

1. The number of students recommended for expulsion
2. The specific grounds for each recommended expulsion
3. Whether the student was subsequently expelled
4. Whether the expulsion order was suspended
5. The type of referral made after the expulsion
6. The disposition of the student after the end of the expulsion period

Regulation BUENA PARK SCHOOL DISTRICT
approved: May 14, 2001 Buena Park, California
revised: July 1, 2013

Buena Park SD
Administrative Regulation
Suspension And Expulsion/Due Process (Students With Disabilities)

AR 5144.2
Students

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.

(cf. 5144.1 - Suspension and Expulsion/Due Process)

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.

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

3. The teacher of the student, or other district personnel, has expressed specific concerns directly to the district's director of special education or to other supervisory district personnel about a pattern of behavior demonstrated by the student.

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.

(cf. 6159 - Individualized Education Program)

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)

(cf. 3541.2 - Transportation for Students with Disabilities)

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)

(cf. 5145.6 - Parental Notifications)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

2. Manifestation Determination Review: Immediately if possible, but in no case later than 10 school days after the date 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)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

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)

(cf. 6158 - Independent Study)
(cf. 6185 - Community Day School)

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)

(cf. 5131.7 - Weapons and Dangerous Instruments)

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)

Legal Reference:

EDUCATION CODE

35146 Closed sessions re: suspensions
35291 Rules of governing board
48203 Reports of severance of attendance of disabled students
48900-48925 Suspension and expulsion
49076 Access to student records
56000 Special education; legislative findings and declarations
56320 Educational needs; requirements
56321 Development or revision of individualized education program
56329 Independent educational assessment
56340-56347 Individualized education program teams
56505 State hearing

PENAL CODE

245 Assault with deadly weapon
626.2 Entry upon campus after written notice of suspension or dismissal without permission
626.9 Gun-Free School Zone Act
626.10 Dirks, daggers, knives, razors, or stun guns

UNITED STATES CODE, TITLE 18

930 Weapons

1365 Serious bodily injury

UNITED STATES CODE, TITLE 20

1412 State eligibility

1415 Procedural safeguards

UNITED STATES CODE, TITLE 21

812 Controlled substances

UNITED STATES CODE, TITLE 29

706 Definitions

794 Rehabilitation Act of 1973, Section 504

CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 Evaluation and placement

104.36 Procedural safeguards

300.1-300.818 Assistance to states for the education of students with disabilities, especially:

300.530-300.537 Discipline procedures

COURT DECISIONS

Schaffer v. Weast, (2005) 546 U.S. 549

Parents of Student W. v. Puyallup School District, (1994 9th Cir.) 31 F.3d 1489

M.P. v. Governing Board of Grossmont Union High School District, (1994) 858 F.Supp. 1044

Honig v. Doe, (1988) 484 U.S. 305

Management Resources:

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

U.S. Department of Education, Office of Special Education Programs:

<http://www.ed.gov/about/offices/list/osep/osep>

Regulation BUENA PARK SCHOOL DISTRICT
approved: May 14, 2001 Buena Park, California
revised: May 12, 2012



**Buena Park
School District**
*Ignite the Passion for
Learning*

Regular Meeting of the Governing Board**02/22/2021 05:00 PM**

6885 Orangethorpe Avenue
Buena Park, CA 90620

Meeting Minutes**Printed : 3/15/2021 4:34 PM PT**

Scan the above QR code with your phone to view this meeting agenda on your phone.

SPECIAL NOTICE REGARDING COVID-19

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of COVID-19. On March 12, 2020 the Governor issued Executive Order N-25-20, which allows Governing Board Members to attend Governing Board meetings virtually. On March 17, 2020 the Governor issued Executive Order N-29-20 which supersedes the previous order and provides guidance on conducting board meetings in this time of "social distancing". Please be advised that some, or all, of the Governing Board Members and staff may attend this meeting virtually. There will be no public meeting space.

Given the health risks associated with COVID-19, members of the public may submit their comments and questions in writing, for Governing Board consideration, by using the following link:

www.bpsd.us/comments/

Please submit all comments and questions by 2:00 p.m. on Monday, February 22, 2021. Comments and questions received by 2:00 p.m. will be read during the meeting.

The Buena Park School District Governing Board Meeting may be viewed by using the link posted on the district website, www.bpsd.us

Please contact the Superintendent's Office (714) 736-4241 with any questions.

Attendees**Governing Board Members**

Mrs. Tharwa Ahmad, Governing Board Member, Trustee Area #3

Mr. Jason Chong, President, Trustee Area #2

Mrs. Irene Castaneda, Governing Board Member, Trustee Area #4

Mr. Jerry Frutos, Clerk/President Pro Tem, Trustee Area #5

Mrs. Rhodia Shead, Governing Board Member, Trustee Area #1

Administration

Dr. Ramon Miramontes, Superintendent

Mrs. Erin McPhillips, Executive Assistant to the Superintendent

1. CALL TO ORDER

The Governing Board meeting was called to order by President Chong to order at 5:01 p.m.

2. FLAG SALUTE

The flag salute was led by President Chong.

3. ROLL CALL

All members of the Governing Board and Administration were present.

4. APPROVAL OF AGENDA

Motion made by: Mr. Jerry Frutos

Motion seconded by: Mrs. Tharwa Ahmad

Voting:

Mrs. Tharwa Ahmad - Yes

Mr. Jason Chong - Yes

Mrs. Irene Castaneda - Yes

Mr. Jerry Frutos - Yes

Mrs. Rhodia Shead - Yes

Motion passed, agenda approved.

5. APPROVAL OF MINUTES

A. Approval of the February 9, 2021 Regular Meeting Minutes

Motion made by: Mrs. Rhodia Shead

Motion seconded by: Mrs. Tharwa Ahmad

Voting:

Mrs. Tharwa Ahmad - Yes

Mr. Jason Chong - Yes

Mrs. Irene Castaneda - Yes

Mr. Jerry Frutos - Yes

Mrs. Rhodia Shead - Yes

Motion passed, minutes of the February 9, 2021 regular meeting, approved.

6. HEARING SESSION

A total of six public comments were received for the Governing Board.

One comment was received from a parent requesting that the Governing Board reverse the denial of their interdistrict transfer request.

Three comments were received encouraging the return of and expressing excitement for the return of in-person instruction as soon as possible.

One comment received encouraging the safe return to in-person instruction as soon as vaccinations begin for teachers.

One comment was received expressing disappointment with the Phase 3: Elementary School In-person Instructional Model.

All comments were read by Elsie Briseno Simonovski, Ph.D., Director, Student and Community Services and by Lori Smock, Director, Special Education.

7. GOVERNING BOARD COMMENTS

Trustee Castaneda thanked the District for continuing to support parents with the online training courses.

Trustee Ahmad congratulated the Teachers of the Year, both at individual school sites and the district nominee, Ms. Walshe. Trustee Ahmad also congratulated Mr. Fitzgerald for being named one of Orange County's Top 25 Teachers by Parenting OC Magazine. She also thanked Principal Linnecke at Emery School for arranging the Segerstrom music classes, sharing that she has received many positive comments from parents about the program. Trustee Ahmad recently attended the Orange County California Teachers Association conference which was held in an effort to urge the county to prioritize vaccines for education staff.

Trustee Frutos shared that he had an opportunity to visit the Boys and Girls Club this morning and that the students appeared to be engaged and ready to learn. Trustee Frutos also recently attended the parent workshop on supporting English Language Learners and looks forward to next parent workshop. Trustee Frutos is also looking forward to having students back in class as soon as possible to bring some normalcy and peace to the students.

Trustee Shead shared her appreciation for the public comments received regarding reopening schools safely and the needs of the students, teachers, and community. Trustee Shead congratulated the Teachers of the Year, sharing the District is proud of all of them. She also shared that she participated in the LCAP Steering Committee meeting on Friday and looks forward to the next session.

President Chong thanked the associations, district staff and the parents and students, noting that trust has been placed in the district leadership as well as the hard work of teachers and classified staff and that the district has done a good job of being out in front of the information that comes our way. Trustee Chong is looking forward to the reports being presented, especially the Buena Park Middle School report and the Reopening and Engagement Plan.

8. SUPERINTENDENT'S COMMENTS

Dr. Miramontes congratulated Mr. Fitzgerald from Beatty Middle School for being named a Top 25 Teacher by OC Parenting Magazine. He also congratulated Buena Park Middle School teacher, Ms. Walshe for being named the Buena Park School District Teacher of the Year, noting that this is the third year in a row that the district teacher of the year has been selected from the middle school. Dr. Miramontes thanked the district administrators, led by Dr. Cantu and supported by Mrs. Hwang and staff for their work in preparing for the return of students for in-person instruction and thanked the support staff in advance for their efforts. Using the guidance from the various health care agencies and the district COVID-19 Task Force, the district welcomed back state preschool students and Buena Park Learning Center students to school today. Dr. Miramontes shared that the staff was excited to welcome the students back and that seeing students interact with their teachers and classmates was powerful. He also thanked the community for their patience and for being partners of the district at home. As the data continues to reflect a downward trend of positive cases, the district looks forward to welcoming back all students in-person on March 1, 2021. Dr. Miramontes invited members of the Governing Board to visit school sites with him on March 1 to welcome students back.

9. PROGRAMS AND REPORTS

A. Buena Park Middle School Report

Seri Hwang, Principal of Buena Park Middle School and Principal on Special Assignment; Dr. Monica Luther, Interim Principal at Buena Park Middle School; and Debbie Clark, Interim Assistant Principal shared the Buena Park Middle School report highlighting the school's focus and programs was shared.

B. Bond Issuance Presentation - Introduction of Finance Plan

Sandra Poteet, Chief Financial Officer, introduced Adam Bauer, President and Chief Executive Officer of Fieldman, Rolapp and Associates who presented the Bond Issuance - Introduction of Finance Plan. Mr. Bauer shared a summary of market conditions, historical changes in total assessed values, election of and summary of the District's outstanding debt, and an overview of estimated refunding savings.

Mr. Bauer and Mrs. Poteet answered questions from the Governing Board regarding the bond issuance plan.

C. Reopening and Engagement Plan

Dr. Cantu, Chief Academic Officer shared the district's Reopening and Engagement Plan. The plan provides for elementary students to be placed in morning and afternoon cohorts with a simultaneous overlap 4 days a week.

Dr. Miramontes and Dr. Cantu answered questions and heard feedback from the Governing Board.

10. ACTION CALENDAR

A. Interdistrict Transfer Request: 2021LIHA4

It is recommended that the Governing Board uphold the denial of Interdistrict transfer request: 2021LIHA4.

Motion made by: Mr. Jerry Frutos

Motion seconded by: Mrs. Rhodia Shead

Voting:

Mrs. Tharwa Ahmad - Yes

Mr. Jason Chong - Yes

Mrs. Irene Castaneda - Yes

Mr. Jerry Frutos - Yes

Mrs. Rhodia Shead - Yes

Motion passed, denial of interdistrict transfer request: 2021LIHA4 upheld.

B. Interdistrict Transfer Request: 2021LIHAK

It is recommended that the Governing Board uphold the denial of interdistrict transfer request: 2021LIHAK.

Motion made by: Mrs. Irene Castaneda

Motion seconded by: Mrs. Rhodia Shead

Voting:

Mrs. Tharwa Ahmad - Yes

Mr. Jason Chong - Yes

Mrs. Irene Castaneda - Yes

Mr. Jerry Frutos - Yes

Mrs. Rhodia Shead - Yes

Motion passed, denial of interdistrict transfer request: 2021LIHAK upheld.

C. Nominations and Vote for 2021 California School Boards Association (CSBA) Delegate Assembly

It is recommended that the Governing Board nominate and vote for no more than nine nominees for the 2021 California School Boards Association (CSBA) Delegate Assembly.

The Governing Board came to consensus to nominate and vote for the following delegates for the District's 2021 California School Boards Association (CSBA) Delegate Assembly Ballot: Gina Clayton-Tarvin (Ocean View SD), Jackie Fillbeck (Anaheim ESD), Carrie Flanders (Brea Olinda USD), Karin M. Freeman (Placentia-Yorba Linda USD), Diana Hill (Los Alamitos USD), Al Jabbar (Anaheim Union High SD), Arturo Montez (Centralia SD).

Motion made by: Mr. Jerry Frutos

Motion seconded by: Mrs. Tharwa Ahmad

Voting:

Mrs. Tharwa Ahmad - Yes

Mr. Jason Chong - Yes

Mrs. Irene Castaneda - Yes

Mr. Jerry Frutos - Yes

Mrs. Rhodia Shead - Yes

Motion passed, Action Item 10C approved.

- D. Approval of the District's Amended Conflict of Interest Code and Order to Notify the Clerk of the Board of Supervisors

It is recommended that the Governing Board review and approve of the District's Amended Conflict of Interest Code and Order to Notify the Clerk of the Board of Supervisors.

Motion made by: Mrs. Tharwa Ahmad

Motion seconded by: Mrs. Rhodia Shead

Voting:

Mrs. Tharwa Ahmad - Yes

Mr. Jason Chong - Yes

Mrs. Irene Castaneda - Yes

Mr. Jerry Frutos - Yes

Mrs. Rhodia Shead - Yes

Motion passed, Action Item 10D approved.

- E. Approval of Increase in Hourly Compensation for Campus Attendants and Home and Community Liaisons, Effective February 23, 2021

It is recommended that the Governing Board approve the increase in hourly compensation for Campus Attendant and Home and Community Liaison, effective February 23, 2021.

Motion made by: Mrs. Tharwa Ahmad

Motion seconded by: Mrs. Rhodia Shead

Voting:

Mrs. Tharwa Ahmad - Yes

Mr. Jason Chong - Yes

Mrs. Irene Castaneda - Yes

Mr. Jerry Frutos - Yes

Mrs. Rhodia Shead - Yes

Motion passed, Action Item 10E approved.

- F. Approval of Increase in Daily Compensation for Substitute Teachers, Effective February 23, 2021

It is recommended that the Governing Board approve the increase in daily compensation for substitute teachers, effective February 23, 2021.

Motion made by: Mr. Jerry Frutos

Motion seconded by: Mrs. Rhodia Shead

Voting:

Mrs. Tharwa Ahmad - Yes

Mr. Jason Chong - Yes

Mrs. Irene Castaneda - Yes

Mr. Jerry Frutos - Yes

Mrs. Rhodia Shead - Yes

Motion passed, Action Item 10F approved.

- G. Public Employee Appointment: Blake VanRoom, Information Technology Manager, Effective February 16, 2021 (ratification)

It is recommended that the Governing Board approve of public employee appointment: Blake VanRoom, Information Technology Manager, effective February 16, 2021 (ratification).

Russell Harrison, Chief Personnel Officer, recommended and introduced Blake VanRoom for Information Technology Manager.

Motion made by: Mrs. Tharwa Ahmad

Motion seconded by: Mr. Jerry Frutos

Voting:

Mrs. Tharwa Ahmad - Yes

Mr. Jason Chong - Yes

Mrs. Irene Castaneda - Yes

Mr. Jerry Frutos - Yes

Mrs. Rhodia Shead - Yes

Motion Passed, Action Item 10G approved.

Mr. VanRoom shared that it is an honor and privilege to be back at Buena Park School District and thanked the Governing Board for the opportunity.

- H. Approval of the Buena Park School District 2021-2023 Expulsion Plan

It is recommended that the Governing Board approve of the Buena Park School District 2021-2023 Expulsion Plan.

Motion made by: Mrs. Rhodia Shead

Motion seconded by: Mrs. Tharwa Ahmad

Voting:

Mrs. Tharwa Ahmad - Yes

Mr. Jason Chong - Yes

Mrs. Irene Castaneda - Yes

Mr. Jerry Frutos - Yes

Mrs. Rhodia Shead - Yes

Motion passed, Action Item 10H approved.

11. DISCUSSION CALENDAR

- A. Job Description: Superintendent

Russell Harrison, Chief Personnel Officer gave a brief overview of the updated the job description: Superintendent.

12. CONSENT CALENDAR

Unless a Trustee has a question concerning a particular item and asks that it be withdrawn from the Consent Calendar, the items are approved at one time by the Governing Board.

Trustee Frutos requested item 12A, Personnel Action Report #20-21-13 be voted on separately.

The Governing Board moved forward with the approval of the Consent Calendar, Items 12B-12J.

Motion made by: Mrs. Tharwa Ahmad

Motion seconded by: Mrs. Irene Castaneda

Voting:

Mrs. Tharwa Ahmad - Yes

Mr. Jason Chong - Yes

Mrs. Irene Castaneda - Yes

Mr. Jerry Frutos - Abstain

Mrs. Rhodia Shead - Yes

Trustee Frutos abstained from voting on Consent Calendar Item 12A due to a relative being listed on the exhibit.

Consent Calendar Item 12A, Personnel Action Report #20-21-13

Motion made: Tharwa Ahmad

Motion seconded by: Irene Castaneda

Mrs. Tharwa Ahmad - Yes

Mr. Jason Chong - Yes

Mrs. Irene Castaneda - Yes

Mr. Jerry Frutos - Abstain

Mrs. Rhodia Shead - Yes

Motion passed, Consent Calendar Item 12A, Personnel Action Report #20-21-13 approved.

- A. Personnel Action Report #20-21-13
- B. Conference/Travel Action Report
- C. Business Services Report - Purchase Orders totaling \$258,856.81
- D. Contract/Service Agreement(s) No. 318
- E. Job Description: Employee Benefits Technician
- F. Job Description: Special Needs Assistant - Itinerant
- G. Interdistrict Transfer Request: 2021ARAN8
- H. Interdistrict Transfer Request: 2021ARAI4
- I. Gift Acceptance - Khoa Nguyen
- J. Interdistrict Transfers, 2020-2021

13. INFORMATION/CORRESPONDENCE

A. Major Topics, 2020-2021

The Governing Board and the Superintendent reviewed items for consideration at the next regularly scheduled Governing Board meeting on March 8, 2021 at 5:00 p.m.

Items scheduled for the agenda include:

- Arthur F. Corey School Report
- Second Interim Budget Report
- Facilities/Modernization Update

14. CLOSED SESSION

Motion made by: Mr. Jerry Frutos

Motion seconded by: Mrs. Rhodia Shead

Voting:

Mrs. Tharwa Ahmad - Yes

Mr. Jason Chong - Yes

Mrs. Irene Castaneda - Yes

Mr. Jerry Frutos - Yes

Mrs. Rhodia Shead - Yes

Motion passed, the Governing Board meeting was called into Closed Session at 6:31 p.m.

15. RECONVENE

Motion made by: Mrs. Tharwa Ahmad

Motion seconded by: Mrs. Rhodia Shead

Voting:

Mrs. Tharwa Ahmad - Yes

Mr. Jason Chong - Yes

Mrs. Irene Castaneda - Yes

Mr. Jerry Frutos - Yes

Mrs. Rhodia Shead - Yes

Motion passed, the Governing Board reconvened at 7:02 p.m.

16. REPORTING OF OUT CLOSED SESSION

President Chong reported that no action was taken in Closed Session.

17. ADJOURNMENT

Motion made by: Mr. Jerry Frutos

Motion seconded by: Mrs. Rhodia Shead

Voting:

Mrs. Tharwa Ahmad - Yes

Mr. Jason Chong - Yes

Mrs. Irene Castaneda - Yes

Mr. Jerry Frutos - Yes

Mrs. Rhodia Shead - Yes

Motion passed, the Governing Board meeting was adjourned at 7:02 p.m.

Governing Board President

Governing Board Clerk/President Pro Tem



6885 Orangethorpe Ave.
Buena Park, California
90620
(714) 522-8412
www.bpsd.us

Governing Board

Jason Chong

President
Trustee Area 2

Jerry Frutos

Clerk/President Pro Tem
Trustee Area 5

Tharwa Ahmad

Member
Trustee Area 3

Irene Castaneda

Member
Trustee Area 4

Rhodia Shead

Member
Trustee Area 1

Dr. Ramon Miramontes

Superintendent

MEMORANDUM

DATE: February 10, 2021

TO: Dr. Ramon Miramontes

FROM: Elsie Briseño Simonovski, Ph.D.
Director, Student & Community Services

RE: **UPDATE TO DISTRICT PLAN FOR PROVIDING
EDUCATIONAL SERVICES FOR EXPELLED
STUDENTS**

Background:

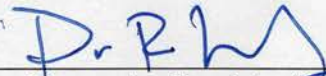
Every three years, school districts must develop and update a district plan that provides education services for all expelled students within the county. All school districts in Orange County each have developed their own plan utilizing a model created by the Orange County Department of Education.

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

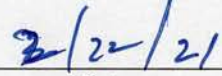
Recommendation:

It is recommended that the Board of Trustees approve the updated 2021-2024 "Plan for Providing Educational Services to all Expelled Students in Orange County", which follows the Orange County Department of Education model.

APPROVED:



Dr. Ramos Miramontes, Superintendent



Date