



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

TITLE: Expulsion of Students - Policy and Procedures

NUMBER: BUL- 6050.2

ISSUER: Earl R. Perkins, Associate Superintendent
Division of District Operations

DATE: October 10, 2016

ROUTING

Local District Superintendent
 Administrator of Operations
 Administrators of Instruction
 Operations Coordinators
 Principals
 Assistant Principals
 Counselors
 Deans

POLICY: The expulsion of a student is the most severe disciplinary action a school district can take in response to student misconduct and which results in prolonged removal of a student from the regular school program. Expulsion should be considered only for those offenses that the principals are mandated to recommend expulsion, or when progressive intervention measures have repeatedly failed, or when the misbehavior poses a serious safety risk to individuals on campus or during a school-sponsored activity. Every decision to recommend expulsion must be preceded by and based on a thorough investigation and should be deliberative and consistent with the District’s Discipline Foundation Policy: School-Wide Positive Behavior Support.

MAJOR CHANGES: This Bulletin replaces BUL-6050.1 of the same name, dated August 19, 2013. It revises District policy and procedures of student expulsion based on Federal and State legislation updates and reflects the District’s recent re-organization. In addition, this Bulletin revises student discipline procedures relating to students who are homeless, students in foster care, and students with disabilities, including students who receive special education services and students who receive nondiscrimination protections under Section 504 of the Rehabilitation Act of 1973. Also, this Bulletin addresses the placement needs for students who are facing expulsion from independent charter schools.

GUIDELINES: All students who attend public schools in California are subject to the expulsion laws provided in the Education Code. The legal mandates and District policies set forth in this Bulletin apply to all students of the District and to all K-12 schools, including regular and alternative school programs, such as community day schools, continuation high schools, and alternative education work centers. All Local Districts (LDs) and school-site discipline plans, codes, and procedures, including those determined by local school governance councils, shall be consistent with the policies and practices set forth herein. Every student who is expelled must be provided an alternative educational placement before and during the term of his or her expulsion. English Language Learners, students who receive special education services, and students in grades K through 6 who are expelled may, in some cases, be assigned to regular schools during their terms of expulsion.

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I. DEFINITIONS

- A. Principal: Unless otherwise specified, the term “principal” shall refer to the school principal or principal’s administrative designee.
- B. Principal’s designee: The principal may designate and specify in writing any one or more administrator(s) at the school as the “principal’s designee(s)” to assist in disciplinary procedures. If no such person is available at the school site, the principal may identify the principal of a neighboring school to be his/her designee for student discipline matters. The name(s) of the designee(s) shall be kept on file in the principal’s office and shall be entered in the designee tab of Administrator Online Certification system that can be accessed at principalportal.lausd.net.
- C. Parent: The term “parent” shall refer to the student’s parent(s), guardian(s), or other court-identified adult(s) with educational rights.
- D. Suspension: Removal of a student from ongoing instruction for adjustment purposes. A student may be suspended from one class or all classes and still remain in school during the period of suspension if he or she does not pose a danger and is appropriately supervised.
- E. Expulsion: Removal of a student from (1) the immediate supervision and control or (2) the general supervision, of school personnel.
 - 1. Expulsion without Suspended Enforcement (Straight Expulsion): The expulsion shall be enforced and the student will be referred to a non-District program, except as precluded by law.
 - 2. Expulsion with Suspended Enforcement: California Education Code (E.C.) Section 48917 authorizes that the school district may suspend the enforcement of a student’s expulsion and assign the student, on probationary status, to an alternative educational program which is deemed appropriate for the rehabilitation of the student.

II. LEGAL AUTHORIZATION FOR EXPULSIONS

- A. The California Education Code permits the superintendent or the principal of the school in which the student is enrolled to suspend or recommend to expel a student if it is determined that the student committed any act(s) listed under E.C. Sections 48900, 48900.2, 48900.3, 48900.4, 48900.7, or 48915. (*See Attachment A*) However, the District’s policy prohibits suspension and expulsion be utilized as corrective measures in response to student misconduct of willful defiance as described in E.C. Section 48900 (k)(1).
- B. E.C. Section 48900 (s) stipulates that no pupil may be recommended for expulsion unless the pupil’s misconduct is related to school activity or school



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attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. The acts enumerated in E.C. Section 48900 *et seq.* may occur at any time, including, but not limited to, while on school grounds, while going to or coming from school, during the lunch period (whether on or off campus), or during, or while going to or coming from, a school-sponsored activity.

- C. Pursuant to E.C. Section 48918 (j), a pupil may be expelled only by action of the governing board in a public session. Prior to Board action, the pupil is not expelled.
- D. Pursuant to E.C. Section 48900 (w), a student may not be suspended or expelled for being truant, tardy, or otherwise absent from school activities.

III. PRINCIPAL'S DISCRETION TO RECOMMEND STUDENT EXPULSION

E.C. Section 48915 describes offenses for which principals are mandated to recommend expulsion and those for which principals may exercise their discretion to determine whether or not an expulsion recommendation is appropriate.

A. Mandatory Recommendation to Expel Offenses with No Principal Discretion (Attachment B, Category I)

The principal shall immediately suspend and recommend a student's expulsion if he or she determines that the student committed any of the following acts at school or at a school activity off school grounds:

1. Possessing, selling, or furnishing a firearm.
2. Brandishing a knife at another person.
3. Unlawfully selling a controlled substance.
4. Committing or attempting to commit a sexual assault or committing a sexual battery.
5. Possession of an explosive.

Note: Pursuant to E.C. Section 48915 (g), "knife" means any dirk, dagger, or other weapon with a fixed sharpened blade fitted primarily for stabbing; a weapon with a blade fitted primarily for stabbing; a weapon with a blade longer than 3½ inches; a folding knife with a blade that locks into place; or a razor with an unguarded blade.

B. Offenses Subject to Limited Principal Discretion (Attachment B, Category II)

The principal shall recommend a student's expulsion if he or she determines that the student committed one or more of the following acts at school or at a school activity off school grounds unless the principal also determines that expulsion is inappropriate:

1. Causing serious physical injury to another person, except in self-defense.
2. Possession of a knife or other dangerous object of no reasonable use to the pupil.



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3. Unlawful possession of any controlled substance, except for either of the following:
 - a. The first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis.
 - b. The possession of over-the-counter medication for use by the student for medical purposes or medication prescribed for the student by a physician.
4. Robbery or extortion.
5. Assault or battery upon any school employee.

Note: A serious physical injury includes, but is not limited to: “loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, wound requiring extensive suturing, and serious disfigurement.” (California Penal Code Section 243)

C. Offenses Subject to Broad Principal Discretion (*Attachment B, Category III*)

The principal has maximum discretion to recommend or not recommend expulsion when he or she determines that a student has committed any of the following offenses at any time, including, but not limited to, while on school grounds; while going to or coming from school; during the lunch period whether on or off campus; and during, or while going to or coming from, a school-sponsored activity:

1. Caused, attempted to cause, or threatened to cause physical injury to another person.
2. Willfully used force or violence upon the person of another, except in self-defense.
3. Possessed not more than one ounce of marijuana (applicable to the first offense only) or possessed alcohol.
4. Offered, arranged, or negotiated to sell any controlled substance, alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material represented as a controlled substance, alcoholic beverage, or intoxicant.
5. Caused or attempted to cause damage to school or private property.
6. Stole or attempted to steal school property or private property.
7. Possessed or used tobacco or any tobacco products.
8. Committed an obscene act or engaged in habitual profanity or vulgarity.
9. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia.



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10. Knowingly received stolen school or private property.
11. Possessed an imitation firearm. "Imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude it is a firearm.
12. Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding.
13. Committed sexual harassment (applicable to grades 4 through 12 only).
14. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence (applicable to grades 4 through 12 only).
15. Intentionally engaged in harassment, threats, or intimidation against school district personnel or pupils (applicable to grades 4 through 12 only).
16. Made terroristic threats against school officials or school property, or both.
17. Offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
18. Engaged in, or attempted to engage in, hazing.
19. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.

D. Additional Findings

For the offenses listed above in Section III B and III C, E.C. Sections 48915 (b) and (e) require that, in addition to the finding that the student committed the offense, the governing board, to expel, must also make one of the following findings:

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

Therefore, the principal who makes the expulsion recommendation is responsible for providing the Expulsion Review Committee (ERC) with additional evidence that will support at least one of the additional findings, in addition to evidence substantiating the allegation that is the immediate cause of the expulsion recommendation. In the event the principal does not provide sufficient facts or information to support an additional finding, the ERC will Not Recommend Expulsion (NRE).

IV. SCHOOL-SITE EXPULSION PROCEDURES

At the school level, only the principal is authorized to recommend a student's expulsion. However, the principal's designee may assist the principal in preparing expulsion cases. The following are steps the school principal or designee should take whenever a student is accused of an act for which expulsion may or must be recommended:



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A. Incident Investigation

As soon as the alleged incident occurs, the principal shall immediately investigate the matter prior to issuing a suspension, except when the principal has determined that an “emergency situation” exists. E.C. Section 48911 (c) defines “emergency situation” as one that constitutes a “... clear and present danger to the lives, safety, or health of pupils or school personnel.”

The school principal must immediately contact the Student Discipline and Expulsion Support (SDES) Unit with regards to any student who is being considered for an expulsion recommendation to ensure that appropriate steps are taken. The school principal shall be responsible for each of the responsibilities delineated below.

1. Collect relevant information surrounding the incident.
2. Identify and interview the accused student and witness(es).
3. Secure verbal and written statements from the accused student, victim(s), and witness(es) who observed the incident and may corroborate any piece of information obtained.
4. Review the appropriate pupil records, such as cumulative record, attendance, social adjustment report, and, when applicable, Individualized Education Plan (IEP).
5. Contact law enforcement, as applicable.
6. Maintain contact with law enforcement and proceed with the discipline process as appropriate.

B. Misconduct Occurring at a School Other Than the Student’s School of Enrollment

If the misconduct occurred at or near a school other than the student’s school of enrollment, the principal of the school where the incident occurred shall immediately report the matter to the principal of the student’s school of enrollment. It is the principal of the student’s school of enrollment who must determine whether or not to recommend expulsion. The principal of the school where the incident occurred should, within three (3) school days, provide the other principal with the following:

1. Inter-office correspondence which describes the alleged misconduct.
2. Signed and dated written statements from the victim(s) and/or witness(es).
3. Any other information that may assist the school-of-enrollment principal in the investigation.

C. Notification and Reporting

1. Notification to Law Enforcement

E.C. Section 48902 requires that the school principal, prior to suspending



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or recommending the student for expulsion, notify law enforcement if it is reasonably suspected that the student committed any of the following acts:

- a. Assault with a deadly weapon (California Penal Code Section 245).
- b. Possession or sale of narcotics or a controlled substance or sale or delivery of a substance represented as alcohol, a controlled substance, or any intoxicant (E.C. Sections 48900 (c) and (d)).
- c. Possession of a firearm(s) at a public school (California Penal Code Section 626.9).
- d. Possession of a dirk, dagger, ice pick, knife having a fixed blade longer than 2½ inches, folding knife with a blade that locks into place, razor with an unguarded blade, taser or stun gun, BB or pellet or other type of air gun, or spot marker upon the grounds of any school within a K-12 school district (California Penal Code Section 626.10).

If the student is arrested, or released to a peace officer, the school principal shall take immediate steps to notify the parent regarding the place to which the student is reportedly being taken. Prior to the release of the student to law enforcement, the principal should obtain the name, badge number, and contact information of the officer taking custody of the student. This information should be shared with the parent. Efforts to notify the parent should be documented.

2. Child Abuse Reporting

California Penal Code Sections 11164 and following as well as LAUSD policy require that incidents of suspected child abuse be immediately reported. When an incident warrants this mandatory reporting, school personnel should adhere to the following procedures:

- a. Follow the child abuse reporting procedures as set forth in BUL-1347.2, Child Abuse and Neglect Reporting Requirements.
- b. Notify the local law enforcement or child protective agency immediately.

Note: The LAUSD School Police Department is not a child protective service agency and is not authorized to take reports or to investigate allegations of child abuse/neglect.

3. Mandatory Reporting of Student Misbehavior

E.C. Section 49079 mandates that, for three years from the date of the offense, all teachers must be notified of students over whom they have supervisory control who have engaged in or who are reasonably suspected to have engaged in any of the acts enumerated in E.C. Sections 48900 *et seq.* other than the use of tobacco. To ensure compliance with these mandates, the school site administrator/designee shall follow the procedures outlined in BUL-3927.2, Mandated Reporting of Certain Student Behavior.

4. Incident System Tracking Accountability Report



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For proper reporting and documentation of the incidents involving students, the school principal shall follow the guidelines described in the District policy Bulletin BUL-5269.2, Incident System Tracking Accountability Report (ISTAR).

D. Student Suspension Prior to Expulsion

For a detailed discussion of student suspension policies and procedures including extending a student's suspension during the expulsion process, please refer to BUL-5655.3, Guidelines for Student Suspensions.

1. Informal Conference with the Student

Prior to issuing a suspension, the principal shall conduct an informal conference with the student. At this conference, the principal shall:

- a. Discuss with the student the details surrounding the charge(s).
- b. Provide the student the opportunity to respond to the charge(s) and to present a defense.
- c. Inform the student of the grounds upon which a suspension is based, if a suspension is warranted.
- d. Encourage the student to write a statement concerning the alleged misconduct and to sign and date it.

The principal's informal conference with the student prior to the student's suspension may be postponed if an "emergency situation" exists, as defined in Section IV. A.

2. Issuance of Lawful Suspension

- a. A student should be suspended only when the principal determines that the student has committed one or more of the acts described in E.C. Sections 48900 *et seq.*, except for the student misconduct of willful defiance as described in E.C. Section 48900 (k)(1). Such a determination should be based on an objective review of the facts relating to the alleged incident and should not be based on speculation, rumor, conjecture, or bias.
- b. A student may be suspended only one time per charge and for no more than five (5) consecutive school days at a time. The suspension may be extended by the Superintendent or designee if the student is being recommended for expulsion, except for students with disabilities. (*See Attachment C*) The student must be allowed to return to the school if an alternative school placement has not been made prior to the end of the student's suspension.
- c. A student may not be suspended in absentia. Therefore, when a student has been arrested or released to a peace officer, or has otherwise left the campus, the student cannot be suspended until and unless the student returns to school.

Note: Pursuant to E.C. 48911 (g), for foster youth, in the case where expulsion is recommended and the Superintendent/designee decides to



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extend the suspension until the governing board renders a decision in the action, the school's Foster Care Liaison shall invite the student's attorney and an appropriate representative of the county child welfare agency to participate in the meeting.

E. Pre-Expulsion Conference

The law requires that expulsion cases be processed within statutorily prescribed deadlines and in accordance with generally accepted principles of due process. In furtherance of these principles, a decision to recommend expulsion may not be made until after the principal has concluded the pre-expulsion conference with the parent. If at all possible, the student should also be present. At the conclusion of the conference, if the principal determines to not recommend expulsion for the Category II and III offenses, appropriate alternative intervention should be implemented.

The pre-expulsion conference should be conducted in accordance with the following procedures:

1. The principal shall make every effort to contact the family, including by phone and by mail, to schedule the pre-expulsion conference. The principal shall conduct the conference and arrange for a second school official to be present as a witness. At the conference, the principal shall:
 - a. Inform the student and the parent of each applicable charge.
 - b. Provide the student and the parent with the opportunity to discuss the allegation(s).
 - c. Ask the student to respond, verbally and in writing, to the allegation(s) and provide the student the opportunity to admit, deny, or qualify his or her participation and to present any explanation, justification, or other information relevant to the alleged misconduct.
 - d. Keep record of all pertinent comments made during the conference, particularly those made by the student or parent.
 - e. Advise the student and parent of their obligation to not engage in harassment, intimidation, or threatening behavior against potential witnesses.
 - f. Explain the expulsion procedure and the process of an interim placement should the principal recommend expulsion. In addition, explain to the parent their right to request a different school placement in the case that the Expulsion Review Committee (ERC) decides to not recommend expulsion for the student.
2. If student and parent do not attend the pre-expulsion conference, the principal shall:
 - a. Exercise all due diligence to reschedule the conference within a reasonable period of time and document the details of each attempt in the MiSiS (My Integrated Student Information System) Student Support Module.
 - b. Carefully review all information and documents gathered from the



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investigation of the alleged misconduct and meet with other administrators, staff, and witnesses, as needed.

- c. If expulsion is warranted, proceed with the expulsion recommendation.
 - d. Mail to the parent's last known address copies of Grounds for Suspension and Expulsion (*Attachment A*), Summary of Student Expulsion Procedures (*Attachment D*), and the School Discipline Policy/Student Code of Conduct.
3. At the principal's discretion, the suspension and pre-expulsion conferences may be combined and held as one.
 4. When the accused is a student who has an IEP or who is under Section 504 nondiscrimination protection, the manifestation determination meeting must be held prior to the pre-expulsion conference.

F. Expulsion Recommendation and Referral

Once the principal decides to recommend expulsion of a student, the principal shall:

1. Call the SDES office to make an official expulsion referral and obtain the official charge(s) for the preparation of expulsion documents.
2. Notify the parent in writing of his or her decision to recommend expulsion. This notice should state clearly the official charge(s) against the student and should be sent to the home via regular U.S. mail or may be mailed certified with return receipt.
3. Prepare the expulsion case materials for review, consultation, and collection by an SDES staff member. (*See Section H*)
4. For a mandatory expulsion recommendation, forward a "Mandatory Expulsion Recommendation" memorandum to the LD Administrator of Operations. (*See Attachment E*)
5. For a non-mandatory expulsion recommendation, forward the "Non-Mandatory Expulsion Recommendation" memorandum to the LD Administrator of Operations and obtain his or her approval. (*See Attachment F*)

G. Pre-Expulsion Placement

The law requires an immediate educational placement of a student as soon as the student's term of suspension has ended. The following are guidelines to ensure an expedited pre-expulsion placement process:

1. For students of general education program, the principal must contact the AB 922 Placement Advisor as soon as the expulsion recommendation is made to the SDES office, and forward copies of the following documents



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in a timely manner to the AB 922 Placement Advisor:

- a. Cumulative record folder jacket(s) with test cards
- b. Grades-in-progress/current class schedule, transcript (secondary)
- c. CELDT scores, immunization records, and home language survey
- d. Social Adjustment Report

When the AB 922 Placement Advisor is unable to provide an appropriate placement due to the student's language, grade level, or other needs, the AB 922 Placement Advisor will collaborate with the LD Administrator of Operations or designee to identify an appropriate placement.

Pre-expulsion change of placement for special education students are to be arranged by the referring school with the assistance of Special Education Operations. Prior to the pre-expulsion IEP meeting, the principal must contact Special Education Operations for an offer of Free and Appropriate Public Education (FAPE). The Special Education Operations shall notify the SDES Placement Advisor of the student's placement. *(See Section VI. for details of expulsion procedures relating to students with disabilities.)*

H. Preparation of Expulsion Case Materials

The principal should prepare the expulsion case documents and have them ready for collection by the SDES staff within five (5) school days from the date of the expulsion referral.

For all the non-mandatory expulsion cases, the principal shall forward the same case materials to the LD Administrator of Operations for review along with the "Non-Mandatory Student Expulsion" memorandum.

Note: Documents obtained or generated during the course of the process are pupil records and great care should be taken to protect the confidentiality of these records. At no time should any record of student discipline be affixed to the student's cumulative record folder.

Questions regarding case materials should be directed to SDES staff. A complete set of case materials includes:

1. One copy of correspondence
 - a. Pupil Suspension Notice
 - b. Letter to the parent recommending the student's expulsion, in English and in the family's primary language. *(See Attachment G for example.)*
 - c. Notification of proposed expulsion recommendation to the LD Administrator of Operations. *(See Attachments E and F for example.)*
2. Original and one copy of
 - a. Administrative Statement

This is a memorandum prepared for the principal by the administrator assigned to the case describing the circumstances surrounding the incident and subsequent actions that led to the expulsion recommendation. *(See Attachment H for example.)*



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b. Written statements of the witness(es) and the accused student(s)

- 1) These statements must be original handwritten statements that are signed and dated, and should include information sufficient to identify a person and to describe specific details.
- 2) If the witness is too young or otherwise incapable of writing his or her own statement, or if the statement needs to be translated into English, a school official may write or translate the statement on the witness's behalf. The transcription should be exactly as dictated. (*See Attachment I*)

Note: Student witnesses should be advised that they may be asked to testify at a hearing, and should be encouraged to give complete and accurate information.

- 3) The school may use the "Anonymous Sworn Declaration of Witness" statement for fear of reprisal, when applicable. (*See Attachment J and Section X. D. 2. for details*)

c. Physical evidence and/or a photograph or photocopy of the evidence

Note: Before law enforcement books the physical evidence into custody, the school shall always take a photograph or make a photocopy of the physical evidence alongside a ruler to show the scale.

d. Social Adjustment Report

This report can be generated from MiSiS through the student profile under the Support tab. It reflects all the dates of the student's entering and leaving the school(s) and contains detailed account of the student's discipline referrals indicating the date, specific infraction(s), and behavioral intervention(s) received for each incident. For the purpose of expulsion, the school must provide a minimum of preceding two years of behavior history.

e. Methods of communicating school rules. (*See Attachment K for example.*)

- f. The student's original elementary and secondary cumulative record folders and current check-out grades or most recent progress report. The school must keep copies of the cumulative records on site.

I. Procedures of Reporting Incidents to the Office of Risk Management and Insurance Services

The principal should report incidents involving stolen or damaged school or private property as well as incidents involving causing physical injury to another person to the Office of Risk Management and Insurance Services (ORMIS), in addition to the local law enforcement agency. Any questions regarding the reporting or the required paperwork should be directed to the claim representative of the ORMIS at (213) 241-3127. (*See Attachment L*)

V. LOCAL DISTRICT ADMINISTRATOR RESPONSIBILITY

To ensure the District's compliance with the law and to protect the due process



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rights of students and parents, LD Administrators of Operations are responsible for the proper implementation of all applicable student discipline policies, including, but not limited to, student suspensions, opportunity transfers, and student expulsions.

For non-mandatory student expulsion recommendations made by the principals from their area, the LD Administrator of Operations should take the following steps to ensure alignment with the District's policies:

- A. Require school principals to immediately contact the LD Administrator of Operations with regards to any non-mandatory student expulsion recommendation and to forward the case documents to the LD Administrator of Operations for review within five (5) school days from the date of the expulsion referral.
- B. Review the case documents of each non-mandatory expulsion recommendation to determine whether or not the LD Administrator of Operations is in support of the principal's recommendation. If any of the following findings is revealed in the review, the LD Administrator of Operations should deny the referring principal's recommendation for expulsion:
 1. The school has no jurisdiction to discipline the student.
 2. The school's evidence does not substantiate the charge(s).
 3. The school has not fulfilled the requirement of additional findings.
- C. Ensure school's compliance with the Federal mandates and District policy with regards to recommending expulsion for students with disabilities. (*See Section VI. for details.*)
- D. Complete the Non-Mandatory Expulsion Recommendation memorandum and return it to the referring principal who then should send a copy to the SDES office and, as appropriate, the Special Education Service Center administrator with the review result of the LD Administrator of Operations. (*See Attachment F.*)
- E. Provide committee members for the ERC hearings upon the request of the ERC Chairperson.
- F. Resolve placement issues for each student throughout the expulsion process, including interim, NRE, and reinstatement placements.

VI. STUDENTS WHO RECEIVE SPECIAL EDUCATION SERVICES

The discipline of students who are eligible for special education services is governed by both Federal and State law. Students with disabilities are entitled to certain due process prior to the principal's decision to recommend expulsion, as well as throughout the expulsion process. When a student commits an expellable offense and is considered for expulsion, required IEP team members must convene a pre-expulsion IEP meeting in order to conduct a manifestation determination. For all mandatory-to-expel Category I offenses, the principal must notify the corresponding LD Special Education Administrator. The LD Special Education Administrator will assign a Behavior Specialist to support the school team and attend the pre-expulsion IEP meeting to support the process.

Pursuant to E.C. Section 48915.5 (d), when the principal recommends expulsion for a student with exceptional needs who is also a foster child for Category II or



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III offenses, the student's attorney and an appropriate representative of the county child welfare agency shall be invited to participate in the pre-expulsion manifestation determination IEP meeting. Pursuant to E.C. Section 48915.5 (e), when the principal recommends expulsion for a student with exceptional needs who is also a homeless child for Category II or III offenses, the District's designated liaison for homeless students shall be invited to participate in the pre-expulsion manifestation determination IEP meeting. (*See Attachment B for offenses of Category II and III of the Matrix for Student Suspension and Expulsion Recommendation.*)

A. Pre-Expulsion IEP Meeting

1. The pre-expulsion IEP meeting should be held no later than 10 days from the incident that warrants the decision to recommend expulsion. Prior to the pre-expulsion IEP meeting, a call must be made to Special Education Operations to discuss the range of least restrictive environment options in the event that the IEP team makes the decision that a change of placement is necessary. The change of placement should be addressed in the student's pre-expulsion IEP meeting and an offer of FAPE must be documented in the IEP.

Note: In the event that the student becomes incarcerated or the parent checks out the student from the school prior to the pre-expulsion IEP meeting, the school should contact the District's Welligent Support office to regain the access to Welligent and proceed to conduct the expulsion analysis IEP meeting.

2. Notify the student's parent(s) at least 48 hours in advance of the scheduled meeting. Parents are entitled to request a postponement of up to 72 hours and may decline to attend the meeting. Document all efforts to encourage their presence at the meeting (even participation by telephone if they cannot physically attend the meeting). If the parent does not attend the IEP meeting, and/or sign the IEP, document all efforts to obtain the parent's signature and proceed with the IEP.
3. The IEP team must conduct expulsion analysis and document the rationale of the manifestation determination in FAPE 2, Part 4 Additional Discussion of the IEP and complete the Expulsion Analysis page. For directions in completing the Expulsion Analysis IEP, refer to the Special Education Policies and Procedures Manual, "Disciplinary Procedures for Students with Disabilities" dated July 2, 2007, and the Welligent Connection, Vol. 3, Issue1, dated July 25, 2007.
 - a. If the IEP team determines that the alleged misconduct is a manifestation of the student's disability or that the student's IEP has not been properly implemented, the expulsion process shall cease. The IEP team will address the behavior to discuss strategies and support using the evidence-based practices found in Multi-Tiered System of Support (MTSS) and, if appropriate, recommend further assessment. (*See BUL-6269.0, Multi-Tiered System of Behavior Support for Students with Disabilities*) If the District has not previously conducted a Functional Behavioral Assessment (FBA) and/or no behavior support plan has been developed, the IEP team shall offer an FBA and develop a behavior support plan. If a behavior support plan has been developed, the IEP team shall review and modify as necessary.



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- b. If the IEP team determines that the conduct is not a manifestation of the student's disability and that the student's IEP has been properly implemented, the expulsion process may proceed. The student is to continue to receive educational services per the IEP including behavioral supports, services, and modifications to reduce the possibility of recurrence of the misconduct, and also to enable the student to participate in the general curriculum and to progress towards meeting IEP goals.

B. Due Process

- a. If the parent disagrees with the decision of the IEP team, the administrative designee shall advise the parent of their right to due process and afford them the procedures described in the REF-1410.8, Special Education Dispute Resolution – The Three Options for Parents wishing to initiate a form of dispute resolution regarding the proposed components of an IEP: (1) Informal Dispute Resolution, (2) State Mediation Only, and (3) Formal Due Process Hearing, and notify the Due Process and the SDES offices immediately.
- b. If a student is placed in a 45-day Interim Alternative Education Setting (*See Section VI. D. 1. below for details*), the student remains in the Interim Alternative Educational Setting determined by the IEP team, while the case is in due process.
- c. In all other instances, if a parent files for a due process hearing, the student shall remain in the school of origin pending the resolution of the due process complaint. In a case where student is transitioning to a grade level program that the school of origin does not provide, transition is to the next grade level where student can receive the same services and placement he/she was receiving at the school of origin.

C. Expulsion Analysis IEP Review Committee

The District's Expulsion Analysis IEP Review Committee will review each referred case for procedural and substantive compliance with the Individuals with Disabilities Education Improvement Act (IDEIA) and California law. Based on this review, the Committee may recommend that the expulsion proceeds or that the case be closed at the school site.

D. Special Circumstances

1. 45-day Interim Alternative Educational Setting

The principal may remove a student who receives special education services, through the IEP process, to an Interim Alternative Educational Setting for 45 school days without regards to whether the misconduct is determined to be a manifestation of the student's disability. The principal shall contact the Special Education Operations to identify the placement and immediately notify LD Special Education Administrator of the incident and the decision of the change of placement in order to receive support and assistance in providing follow-up services for the student and to discuss strategies and support using the evidence-based practices found in Multi-Tier System of Support (MTSS). An IEP meeting must be held to effect and document the change of placement.



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If the student committed any of the following acts at school, on school premises, to or from, or at a school function under the jurisdiction of the District, the principal may unilaterally assert the 45-day placement at an Interim Alternative Educational Setting:

- a. Carries or possesses a weapon;
- b. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance;
- c. Has inflicted serious bodily injury upon another person.

Note: Dangerous weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury... (Paragraph (2) of subsection (g) of section 930 of title 18, United States Code)

Note: Serious bodily injury is defined as “an injury that requires substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of function of a bodily member, organ, or mental faculty.” (Paragraph 3, subsection h of Section 1365 of Title 18, United States Code)

If the student is recommended for expulsion, the student shall remain in the Interim Alternative Educational Setting during the expulsion process, which may go beyond 45 days. If an expulsion recommendation is not considered, within the 45-day period, through the IEP process, the referring school shall address the misconduct by modifying services and support and the student shall return to the referring school at the end of the 45 days.

2. Request for Special Education Assessment during Expulsion Process

When a request for special education assessment is made during the expulsion process, it must be determined if the District had knowledge or suspected that the student had the disability prior to the incident. The school must make the determination and inform the SDES in writing of such determination. (*See Attachment M*)

The District is deemed to have knowledge if any of the following is indicated:

- a. The parent of the child expressed concern in writing to administrative personnel or a teacher of the child that the student might require special education;
- b. The parent of the child requested an assessment before the disciplinary action occurred; or
- c. The teacher of the child, or other school personnel, expressed specific concerns about a pattern of behavior demonstrated by the child directly to administrative personnel.

However, the District will not be deemed to have knowledge if the following are also true.

- a. The parent has not allowed an assessment;



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- b. The parent has refused or revoked special education services; or
- c. The child has been assessed and found not to be a child with a disability.

When an assessment is requested after a student is subject to discipline and the District is deemed to have a basis of knowledge that the student may be a child with a disability, the expulsion process shall halt and the referring school shall conduct the assessment and immediately notify the SDES office of the result when the assessment is completed. If an IEP team determines that the student is eligible for special education services, the IEP team must discuss and document the manifestation determination in FAPE 2, Part 4 Additional Discussion and complete the Expulsion Analysis page in the Initial IEP. If the IEP team determines that the misconduct is a result of the student's disability, the school shall cease the expulsion process and explore alternative means of intervention. If an IEP team determines the student is not eligible for special education services, or the misconduct is not a result of the student's disability, the expulsion process moves forward as described in this bulletin.

When an assessment is requested after a student is subject to discipline and the District is not deemed to have a basis of knowledge that the student may be a child with a disability, the expulsion process may proceed while the assessment is to be conducted concurrently by the referring school. The school shall immediately notify the SDES office of the result as soon as the assessment is completed. If an IEP team determines that the student is eligible for special education services, the IEP team must discuss and document the manifestation determination in Part 4 Additional Discussion and complete the Expulsion Analysis page in the Initial IEP. The IEP team shall address the misconduct with services and supports and the FAPE is to be implemented according to the team's recommendation at the student's current placement, depending on the status of the expulsion.

It is imperative that the legal timelines are followed. An Assessment Plan must be provided within fifteen (15) calendar days from the parent's signed request and the parent must be allowed up to fifteen (15) calendar days to review the assessment plan and sign the consent for assessment. The assessment must be completed within sixty (60) days, absent other circumstances, from the date of the receipt of the parent's or guardian's written consent for assessment.

VII. STUDENTS WHO RECEIVE NONDISCRIMINATION PROTECTION UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973

A student who has a Section 504 Plan will be afforded the protections described in BUL-4692.5, Section 504 of the Rehabilitation Act of 1973.

- A. A student eligible to receive nondiscrimination protections under Section 504, with or without a Section 504 Plan, may not be subjected to a disciplinary action which changes the student's placement for more than 10 days unless the Section 504 Team holds a "Manifestation Determination" meeting and determines that the behavior giving rise to the discipline was not directly linked to the student's disabling condition, nor was it a result of the District's failure to implement the Section 504 Plan for those students with plans. The Manifestation Determination meeting should be held within the suspension period or within 10 days from considering whether to recommend expulsion.



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B. Manifestation Determination

1. If the Section 504 Team determines that there is no direct link between the misconduct and the student's disability, and the behavior is not the direct result of the District's failure to implement the Section 504 Plan for those students with plans, the school may proceed in the same manner as it would for a student without a disability.
2. If the Section 504 Team determines that the student's misconduct was caused by or directly linked to the student's disabling condition, or that the misconduct was the direct result of the District's failure to implement the 504 Plan, school administrators should proceed as follows:
 - a. In most cases, the principal should not recommend expulsion.
 - b. The 504 Team must consider whether to develop or revise the Section 504 Plan, including updating the accommodations and/or developing accommodations to add areas of concern related to the student's disability.

For guidance with conducting manifestation determination meetings, support in facilitating such meetings, or further information regarding nondiscrimination protections, school officials should consult with the Educational Equity Compliance Office.

Note: If the student is using illegal drugs or alcohol, and is to be disciplined for use or possession of illegal drugs or alcohol, he or she loses the procedural protection provided by Section 504, including the requirement of the Manifestation Determination meeting prior to the discipline.

VIII. SEXUAL HARASSMENT, SEXUAL BATTERY, AND SEXUAL ASSAULT

A. Sexual Harassment

For students in Grades 4-12 who engage in sexual harassment, the principal has wide discretion in determining whether or not to recommend expulsion.

Under California law, students enrolled in kindergarten and grades 1-3 may not be suspended or expelled for sexual harassment. Other disciplinary actions or interventions should be taken, as appropriate.

Detailed information regarding sexual harassment may be found in BUL-3349.1, Sexual Harassment Policy (Student-to-Student, Adult-to-Student, and Student-to-Adult). For assistance and technical support, contact the Educational Equity Compliance Office at (213) 241-7682.

B. Sexual Assault/Sexual Battery

Any student who commits or attempts to commit a sexual assault or who commits a sexual battery must be recommended for expulsion, regardless of grade level. (*See Attachment N for Penal Code definitions for sexual assault and sexual battery.*)



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C. Dual Reporting Responsibilities in Reporting Suspected Child Abuse and Responding to Sexual Harassment, Sexual Assault, and Sexual Battery

In some instances, sexual harassment, sexual battery or sexual assault may also constitute child abuse. Child abuse reporting procedures, sexual harassment policies and procedures, and disciplinary policies and procedures must be effected in a coordinated manner. If child abuse is suspected or alleged, a suspected child abuse must be reported immediately by first calling the local law enforcement agency that has the jurisdiction.

For detailed guidelines, refer to BUL-1347.2, Child Abuse and Neglect Reporting Requirements, and BUL-3349.1, Sexual Harassment Policy (Student-to-Student, Adult-to-Student, and Student-to-Adult). For assistance and technical support, contact the LD Administrator of Operations or the Office of the General Counsel at (213) 241-7600.

D. School Investigation

Principals should adhere to the following procedures in investigating the offense of sexual assault or sexual battery:

1. Immediately advise the alleged victim, the accused student, and any other witness(es) to refrain from contacting each other in any way during the expulsion process.
2. Do not hinder or obstruct the investigation of law enforcement, which is a separate process from student discipline. However, the principal must proceed with the school's own investigation and issue the suspension at the conclusion of the investigation, as appropriate.
3. Provide counseling assistance and/or other resources to the victim, as appropriate.
4. Contact the parents of the alleged victim as soon as reasonably possible and follow up with a five-day notification informing them of the expulsion hearing, requesting their child's testimony at the hearing, and advising them of the rights of the complaining witness. (*See Attachment O*)

IX. CASE CLOSED AT SCHOOL

- A. If the principal lawfully determines, after recommending a student's expulsion, to rescind the recommendation and close the case at school, the principal shall:
 1. Immediately inform SDES staff of the decision to rescind.
 2. Complete the Case Closed at School form (*Attachment P*) and forward it to the SDES office. A copy of this document should be retained at the school in the student's discipline folder.
 3. Inform the parent that:



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- a. The principal has rescinded the recommendation.
 - b. The student has the right to return to the referring school.
 - c. There is no further disciplinary action taken in the matter.
4. In cases involving students who receive special education services, in addition to completing the Case Closed at School form, an IEP meeting must be convened to determine the offer of FAPE.
- B. If the LD Administrator of Operations determines, after reviewing the school's expulsion case documents, to deny the principal's non-mandatory recommendation for expulsion:
1. The LD Administrator of Operations shall forward his/her decision with the "Non-Mandatory Expulsion Recommendation" memorandum (*Attachment F*) to both the referring principal and the SDES office as soon as possible.
 2. The principal shall complete, and then fax, the Case Closed at School form immediately to the SDES office.

X. THE EXPULSION HEARING

A. Applicable Law

E.C. Section 48918 mandates that a pupil be invited to participate in a hearing to determine (1) whether the evidence supports the allegation(s) and (2) whether that pupil should and can be expelled. Therefore, an Expulsion Review Committee (ERC) hearing is conducted for each student who is recommended for expulsion unless the recommendation is rescinded by the principal. The expulsion hearing must be conducted in a manner consistent with the student's due process rights and must follow general rules of administrative procedure.

B. Evidence

E.C. Section 48918 [f] provides that an ERC may consider only the evidence that is adduced at the expulsion hearing. Therefore, it is the principal's responsibility to ensure that all necessary evidence is secured and made available for presentation at the hearing. If the school administrator is aware of any exculpatory evidence that excuses, justifies, mitigates, or suggests that the student did not engage in the misconduct, the administrator must present this evidence at the hearing as well.

In general, a student may not be expelled on the basis of written statement alone (*See Section X.D.2. below for information about the limited exception to this rule*). Failure to present credible direct evidence sufficient to support the recommendation for expulsion, or failure to comply with statutory deadlines or general principles of due process, may result in a determination of not recommended for expulsion (NRE). Therefore, it is crucial and necessary that the school official (including the principal and the principal's designee) who presents the case at the expulsion hearing is the one who investigated the incident and has direct involvement in the preparation of the case.

C. School Official's Presentation of the Case

At the ERC hearing, the school official will be required to present factual



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evidence, in the form of live testimony, upon which the expulsion recommendation is based. The school official should be prepared to:

1. Describe all allegations of misconduct upon which the expulsion recommendation is based.
2. Describe the alleged incident in which the accused student was involved and the circumstances surrounding the incident.
3. Describe evidence of providing due process.
4. Provide direct witness testimony and documentary evidence in support of the school's allegation and the school's investigation.
5. Provide facts or information in support of additional findings, when necessary.

D. Witnesses

1. The principal who recommends expulsion is responsible for making all arrangements for the presence of any witnesses who will testify on behalf of the school. If the witness is a student, the principal must:
 - a. Obtain parental consent;
 - b. Complete appropriate paperwork such as the field trip slip;
 - c. Arrange for transportation, if necessary;
 - d. Arrange for an adult to supervise the witness(es), if necessary.

2. Anonymous Sworn Declaration of Witness

Any person who directly observes an incident, or is a victim of misconduct, should be strongly encouraged to come forward with testimony. However, participation by witnesses at expulsion hearings is voluntary. If a witness does not wish to testify due to fear of reprisal, it may be appropriate (in limited circumstances) to obtain an anonymous sworn declaration from the witness and use it in lieu of live testimony. The administrator assigned to the case should consult with the SDES staff, as early in the process as possible, for specific instructions regarding the use of such a declaration. *(See Attachment J)*

The Anonymous Sworn Declaration of Witness may be used in lieu of live testimony when (a) the witness directly observes or is the victim of the incident and (b) the witness clearly articulates facts that would cause a reasonable person under similar circumstances to believe that some form of physical harm or severe retaliation would result should the witness testify or have his or her identity revealed.

E. The Expulsion Review Committee (ERC)

1. Role of the ERC

The governing board of every district is responsible for ensuring a fair and impartial hearing process for students who are recommended for expulsion. Pursuant to California Education Code Section 48918, the governing board may appoint an impartial administrative panel of three or more certificated persons, none of whom can be members of the board or



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on the staff of the school in which the pupil is enrolled, to conduct the hearing. In the Los Angeles Unified School District, this panel is the Expulsion Review Committee.

2. Authority of the ERC

As an agent of the governing board, the ERC has the authority to determine, based on facts adduced at the hearing, that expulsion is unlawful and/or inappropriate. If such a determination is made, the Committee's decision to not recommend expulsion is final.

F. Placement of Students Who Are Not Recommended for Expulsion

1. The ERC is required by law to notify the parent and the student of the disposition of the hearing and school placement within three (3) school days of the hearing. Students who are not recommended for expulsion (NRE) by the ERC shall be immediately returned to the referring school following the decision unless the student's parent requests another school placement. In that case, the ERC will refer the parent to the LD Administrator of Operations for further discussion of options of school placement. The LD Administrator of Operations shall review the parent's request and make an appropriate placement. Such placement will be an authorized "District placement" by the LD Administrator of Operations and the school of placement will become the student's new "home school."
2. After the ERC's NRE decision, students who receive special education services must return to the school that recommended expulsion unless an IEP specifies a placement other than the referring school. Any consideration of changing the student's placement shall be addressed through an IEP process. The referring school is responsible for conducting the IEP to document the change of placement.

XI. BOARD ACTION

Only the governing board has authority to issue an expulsion order; the expulsion becomes effective on the date the Board takes action to expel. After receiving a recommendation from the ERC, the Board may order one of the following actions:

B. Expulsion

1. Expulsion without Suspended Enforcement (Straight Expulsion) – The student is expelled and the student is not allowed to attend any school or educational program within the LAUSD during the term of expulsion, except as precluded by law. In this case, the student is referred to the Los Angeles County Office of Education (LACOE) for a placement in a county school.
2. Expulsion with Suspended Enforcement – The student is expelled and is allowed to attend a school or educational program within the LAUSD on a probationary basis, at the discretion of the District.

B. No Expulsion

The Board may reject the recommendation of the ERC and choose to not expel the student. In this case, the student will be referred to the LD Administrator



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of Operations and the SDES Coordinator to ensure that the student is immediately re-enrolled in the referring school, or in another comparable placement.

C. Revocation of Suspended Enforcement

Pursuant to E.C. Section 48917, students who have been placed on expulsion with suspended enforcement may have their suspended enforcement status revoked and be expelled outright (i.e., “straight expelled”) if it is determined that, during the period of suspended enforcement, the student committed violation(s) of the Education Code Section 48900 or any of the District’s rules and regulations governing student conduct. Procedures to initiate revocation of suspended enforcement include the following:

1. Initiate a student suspension, if applicable.
2. Contact the SDES to recommend revocation of suspended enforcement.
3. Contact the AB 922 Placement Advisor to discuss another alternative placement.
4. Follow the school-site expulsion procedures described in Section IV of this bulletin.
5. If the ERC decides to not recommend revocation of the suspended enforcement order, the student will be provided an educational placement at the discretion of the District.

XII. ADMISSION OF STUDENTS EXPELLED FROM OTHER SCHOOL DISTRICTS

The State law provides that an expelled student who has established legal residence within the LAUSD boundaries has the right to request enrollment in a District school. When the school receives information indicating the possibility that a student is under expulsion, the school must contact the expelling school district to verify the validity of the expulsion and obtain pertinent documents. Students who are under current expulsion orders from other school districts should be directed to call the SDES office for the State-mandated admission process.

- A. An SDES staff member will conduct an intake and request necessary records from the expelling district.
- B. An ERC will conduct an admission hearing to determine whether the student poses a potential danger to either the students or employees of the District based on the documentary evidence and a face-to-face assessment of the student.
- C. If the applicant is a student with disabilities, a school placement in an appropriate setting according to the student’s current IEP will be provided.

Note: A school placement will be provided for charter school students who are undergoing expulsion process and whose charter school has entered an agreement with the LAUSD through the established Memorandum of Understanding. *(For detailed information regarding the MOU, contact the SDES office.)*

- D. When the ERC determines that it does not appear that the student would pose a danger, the ERC will recommend to the Board that the student be permitted conditional enrollment in an LAUSD school as described in E.C. Sections



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48915.1 and 48915.2.

- E. If admission is granted by the Board, the AB 922 Placement Advisor will provide a school placement based on the Board order. The student will be enrolled in the placement and receive expulsion support services provided by an assigned AB 922 Counselor who will facilitate the student's reinstatement from the expulsion based on the rehabilitation plan issued by the expelling school district.
- F. When the ERC cannot make a positive determination, the Committee will submit its findings to the Board with a recommendation to deny the student's enrollment in an LAUSD school. After the Board action to deny enrollment, the AB 922 Placement Advisor will then refer the student to LACOE for placement in a County school after the Board action.
- G. If the student commits an expellable offense or violates the conditional enrollment agreement after enrolling in a District school, the school principal has the authority to refer the student to the SDES office for revocation of conditional enrollment. The AB 922 Placement Advisor then refers the student to LACOE for placement in a County school.
- H. Students who are referred to LACOE for school placement, on occasion, may be returned to the District for attendance when LACOE cannot provide comparable program to service the student. This may include students with an IEP, students who are English learners, and students who attend elementary schools.

XIII. AB 922 POST-EXPULSION SUPPORT SERVICES

Pursuant to E.C. Sections 48916 and 48916.1 and Assembly Bill 922, the LAUSD in part established the Student Discipline and Expulsion Support Unit to provide AB 922 mandated services and facilitate rehabilitation for all expelled students. On the date the Board takes action to expel, the expulsion becomes effective. In LAUSD, majority of the expulsion enforcement are suspended and the students are allowed to remain within the District to receive rehabilitative interventions through the AB 922 program provided by the SDES Unit. The AB 922 Program is composed of SDES Counselors who work closely with parents, students, District staff, and community agencies to assist students in achieving rehabilitation goals and to facilitate successful reinstatement.

After the expulsion is ordered, the AB 922 staff works on behalf of the Board to coordinate services, including school placements, for all expelled students. A rehabilitation plan is developed for every expelled student, which includes, but is not limited to, improved behavior, attendance, and academic performance. The goal of the AB 922 Program is to assist students in acquiring academic and social skills that will enhance their ability to have a successful school experience once they transition back to a traditional school program. However, if a student's placement at LAUSD is unsuccessful, LAUSD has the option to refer the student to LACOE for enrollment.

A. AB 922 Expulsion Support Services

An SDES AB 922 Counselor is assigned to each expelled student to provide intensive expulsion support services and targeted case management from the onset of the expulsion until the student is cleared from the expulsion and reinstated. The core services of the AB 922 Program include:



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1. Facilitating appropriate and timely educational placements for all expelled students.
2. Conducting thorough student/parent intake assessments and developing rehabilitation plans.
3. Monitoring student attendance, behavioral, and academic progress.
4. Providing direct support services (e.g., Student Support and Progress Team meetings, individual and group counseling, crisis intervention, credit recovery plans, parent education, and school/home visitations).
5. Consulting, collaborating, and coordinating services with District staff and community agency personnel (e.g., Department of Probation, Department of Children and Family Services, Department of Mental Health, and the Los Angeles County Office of Education).
6. Conducting reinstatement reviews for all students.
7. Processing reinstatement and placing students in appropriate educational programs after reinstatement.
8. Providing ongoing services to students not recommended for reinstatement.

B. District Placement and Reinstatement

1. District Placement

Per the Delegation of Authority by the Board of Education, when expelled students are determined to have successfully met their reinstatement requirements, the SDES Unit reinstates the students on behalf of the Board and places the students in appropriate educational programs as a District Placement.

When a student is eligible to be considered for reinstatement, the assigned AB 922 Counselor will lead a Reinstatement Review Committee (RRC) meeting to conduct a reinstatement review and make the determination if:

- a. The student has met the conditions of his/her rehabilitation plan.
- b. The student no longer appears to pose a danger to campus safety, other students, or District employees.

2. Reinstatement

- a. If the RRC determines that the student has satisfactorily fulfilled his/her reinstatement requirements, the student will be reinstated and placed in an appropriate post-expulsion educational placement. This placement constitutes an authorized "District Placement" and all schools under the jurisdiction of the LAUSD must adhere to this District Placement. The AB 922 Counselor will also provide a Transitional Service Plan to be implemented by the placement school to support positive student outcomes.



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- b. Per Board Rule 2288, when a student is reinstated from an expulsion with suspended enforcement, the Board shall permit either that the student returns to the school of former attendance, or that the student voluntarily attend another program of the District.
 - c. For rare and unique circumstances, the school principal may present evidence of good cause in an effort to deny the student's enrollment. In that case, the principal shall adhere to the following procedure:
 - i. Notify the AB 922 Counselor and the LD Administrator of Operations, or designee, in writing of the claim of good cause no later than three (3) days after receiving notice of the student's District Placement.
 - ii. The LD Administrator of Operations, or designee, will evaluate the circumstances and determine to either uphold or deny the school's request. Should the LD Administrator of Operations, or designee, uphold the school's request to deny the student's enrollment, he or she will make an appropriate school placement and notify the appropriate AB 922 Counselor in writing of the student's placement.
3. Reinstatement to Magnet, Permits With Transportation (PWT), and Public School Choice (PSC) Programs.

Eligibility to the Magnet, PWT, and PSC Programs is contingent upon a subsequent application. Students expelled from a Magnet, PWT, or PSC program may only reapply after all of the terms and provisions of the expulsion have been satisfied.

C. Unsuccessful Reinstatement

At the end of the expulsion term, if the RRC has determined that the student has not satisfactorily met the conditions of the rehabilitation plan and/or continues to pose a danger to campus safety, other students, or District employees, the student will not be reinstated. The AB 922 Counselor will review student progress and provide the following:

1. Modify the existing rehabilitation plan.
2. Re-evaluate services and interventions.
3. Determine if the student should be transferred to another educational placement, including referring to LACOE for placement.

In addition, the AB 922 Counselor will:

1. Send written notification to the student's parent(s), stating the reason(s) why the student was not recommended for reinstatement (NRR), including a new reinstatement eligibility review date.
2. Work with parents, school administrators, teachers, and other professionals to assist the student in successfully completing requirements for reinstatement.



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3. Monitor progress and provide ongoing services.

- ATTACHMENTS:**
- A. Grounds for Suspension and Expulsion – California Education Code Section 48900 *et seq.* (English & Spanish)
 - B. Matrix for Student Suspension and Expulsion Recommendations (English & Spanish)
 - C. Extend Suspension Beyond Five Days
 - D. Summary of Student Expulsion Procedures (English & Spanish)
 - E. Mandatory Expulsion Recommendation Memorandum (example)
 - F. Non-Mandatory Expulsion Recommendation Memorandum (example)
 - G. Notification to Parent of Expulsion Recommendation (example)
 - H. Administrative Statement (example)
 - I. Written Statement (form)
 - J. Anonymous Sworn Declaration of Witness (form)
 - K. Methods of Communicating School Rules (example)
 - L. District Property Notification of Loss (form)
 - M. Parent Request for Special Education Assessment during Expulsion Process Memorandum (form)
 - N. Sexual Assault and Sexual Battery - Penal Code Definition
 - O. Principal's Letter to Complaining Witness in Matter of Sexual Assault and Sexual Battery (English & Spanish)
 - P. Case Closed at School (form)

- REFERENCES:**
- BUL-5212.2, Bullying and Hazing Policy (Student-to-Student and Student-to-Adult), issued November 26, 2014
 - BUL-1347.2, Child Abuse and Neglect Reporting Requirements, issued July 1, 2011
 - BUL-6231.0, Discipline Foundation Policy: School-Wide Positive Behavior Intervention and Support, issued February 14, 2014
 - BUL-2430.0, Enrollment in Continuation High Schools, issued May 9, 2006
 - BUL-631.0, Guidelines and Procedures Relating to Student Behavior on School Bus, issued December 2, 2003



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BUL-5655.3, Guidelines for Student Suspensions, issued October 3, 2016

BUL-5269.2, Incident System Tracking Accountability Report (ISTAR), issued July 10, 2013

BUL-5808.3, My Integrated Student Information System (MiSiS) Student Support Module Required Usage, issued March 23, 2015

BUL-3927.2, Mandated Reporting of Certain Student Behavior, issued September 13, 2010

BUL-6362.0, Opportunity Transfer (O.T.) - Policy and Procedures, issued August, 14, 2014

BUL-2469, Pupil Records: Access, Confidentiality, and Notice of Educational Rights, issued April 24, 2006

BUL-847.0, Referral to Community Day Schools, issued March 22, 2004

BUL-2047.1, Hate-Motivated Incidents and Crimes – Response and Reporting, issued June 15, 2015

BUL-4692.5, Section 504 of the Rehabilitation Act of 1973, issued June 15, 2015

BUL-3349.1, Sexual Harassment Policy (Student-to-Student, Adult-to-Student, and Student-to-Adult), issued August 6, 2014

BUL-6269.0, Multi-Tiered System of Behavior Support for Students with Disabilities, issued April 7, 2014

REF-1410.8, Special Education Dispute Resolution – The Three Options For Parents Wishing to Initiate a Form of Dispute Resolution Regarding the Proposed Components of an IEP: (1) Informal Dispute Resolution, (2) State Mediation Only, and (3) Formal Due Process Proceedings, issued February 20, 2014

Special Education Policies and Procedures Manual - *Disciplinary Procedures for Students with Disabilities*, issued July 2, 2007

Board of Education Resolution: Building Success through Services, enacted November 23, 2007

Board of Education Resolution: School Discipline Policy and School climate Bill of Rights, enacted May 14, 2013

ASSISTANCE: For assistance, please contact:

Student Discipline and Expulsion Support Unit at (213) 202-7555
AB 922 Placement Advisor at (213) 202-7570



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

Local District Administrator of Operations
District Operations at (213) 241-5337
Special Education Operations (213) 241-6701
Office of the General Counsel at (213) 241-7600
Educational Equity Compliance Office at (213) 241-7682
Office of Risk Management and Insurance Services at (213) 241-3127

LOS ANGELES UNIFIED SCHOOL DISTRICT
Student Discipline and Expulsion Support Unit

ATTACHMENT A

GROUND FORS SUSPENSION AND EXPULSION
California Education Code Section 48900 et seq.

A pupil shall not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has:

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person.
(2) Willfully used force or violence upon the person of another, except in self-defense.
- (b) Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- (d) Unlawfully offered, arranged, or negotiated to sell any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- (e) Committed or attempted to commit robbery or extortion.
- (f) Caused or attempted to cause damage to school property or private property.
- (g) Stole or attempted to steal school property or private property.
- (h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.
- (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- (k) (1) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties. (grades 4-12). (suspension only).
- (l) Knowingly received stolen school property or private property.
- (m) Possessed an imitation firearm.
- (n) Committed or attempted to commit a sexual assault or committed a sexual battery.
- (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
- (p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- (q) Engaged in, or attempted to engage in, hazing as defined in Section 32050.
- (r) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act directed specifically toward a pupil or school personnel.
- (t) Aided or abetted the infliction or attempted infliction of physical injury to another person (suspension only).

48900.2 Committed sexual harassment (grades 4-12).

48900.3 Caused, attempted to cause, threatened to cause, or participated in an act of hate violence (grades 4-12).

48900.4 Intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils. (grades 4-12).

48900.7 Made terroristic threats against school officials or school property, or both.

It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against any pupil who is truant, tardy, or otherwise absent from school activities. [48900 (w)]

Note: District's policy prohibits suspension and expulsion be utilized as corrective measures in response to student misconduct of willful defiance as described in E.C. 48900 (k)(1).

DISTRITO ESCOLAR UNIFICADO DE LOS ANGELES
Unidad de Disciplina Estudiantil y Apoyo de Expulsión

ANEXO A-1

MOTIVOS PARA LA SUSPENSIÓN Y EXPULSIÓN
Artículos 48900 et seq. del Código de Educación de California

Un alumno no será suspendido de la escuela ni se recomendará su expulsión a menos que el superintendente o el director de la escuela a la que está inscrito el alumno determine que el alumno:

- (a) (1) Causó, intentó causar o amenazó causar una herida física a otra persona.
(2) Intencionalmente usó fuerza o violencia sobre la persona de otro, excepto en los casos de defensa propia.
- (b) Tenía en su posesión, vendió o proporcionó cualquier arma de fuego, navaja/cuchillo, explosivo u otros objetos peligrosos a menos que, en caso de posesión de cualquiera de dichos objetos, el alumno haya obtenido un permiso escrito de un empleado certificado de la escuela para poseer dicho objeto y que dicho permiso haya sido aprobado por el director o la persona designada por el director.
- (c) Tenía en su poder, usó, vendió, o proporcionó ilegalmente, o estaba bajo la influencia de cualquier sustancia controlada, descrita en el Capítulo 2 (empezando con la Sección 11053) de la División 10 del Código de Salud y Seguridad, bebidas alcohólicas o cualquier tipo de intoxicante.
- (d) Ofreció, dispuso, o negoció ilegalmente la venta de cualquier sustancia controlada, descrita en el Capítulo 2 (empezando con la Sección 11053) de la División 10 del Código de Salud y Seguridad, bebidas alcohólicas o cualquier tipo de intoxicante y después vendió, entregó, o proporcionó a cualquier persona otro líquido, sustancia o material y presentó el líquido, sustancia o material como una sustancia controlada, bebidas alcohólicas o intoxicantes.
- (e) Cometió o intentó cometer robo o extorsión.
- (f) Causó o intentó causar daño a la propiedad escolar o propiedad privada.
- (g) Robó o intentó robar propiedad escolar o propiedad privada.
- (h) Poseyó o usó tabaco o cualquier producto que contiene tabaco o productos de nicotina, incluyendo, pero no limitado a, cigarrillos, puros, cigarrillos en miniatura, cigarrillos de clavo, tabaco que no hace humo, rapé, tabaco de mascar, y betel. Sin embargo, esta sección no prohíbe que el estudiante use o tenga sus propios productos con receta médica.
- (i) Cometió actos obscenos o continuó participando en actos profanos o vulgaridades.
- (j) Estaba ilegalmente en posesión de o ilegalmente ofreció, dispuso, o negoció la venta de accesorias para el uso de drogas (parafernalia) descritas en la Sección 11014.5 del Código de Salud y Seguridad.
- (k) (1) Perturbó actividades escolares o de otra manera desafió por voluntad propia a la autoridad válida de supervisores, maestros, administradores, oficiales de la escuela u otro personal escolar dedicado al desempeño o de sus labores. (del 4 al 12 grado) (suspensión solamente).
- (l) Recibió a sabiendas propiedad escolar o propiedad privada robadas.
- (m) Poseyó una arma de fuego de imitación.
- (n) Perpetró o intentó perpetrar un ataque sexual o perpetró una agresión sexual.
- (o) Acosó, amenazó o intimidó a un alumno que es un testigo acusador u otro testigo en un procedimiento disciplinario escolar con el propósito de impedir que ese alumno sea testigo o el de tomar venganza contra el alumno por ser testigo o ambos.
- (p) Ofreció, dispuso la venta, negoció la venta o vendió ilegalmente el medicamento recetado llamado Soma.
- (q) Tomó parte en novatadas, o intentó tomar parte en las mismas, según se definen en el Artículo 32050.
- (r) Participando en un acto de intimidación, incluyendo entre otros, intimidación cometida por medios electrónicos dirigida específicamente hacia un alumno o personal escolar.
- (t) Ayudó o instigó para infligir o intentar infligir una herida física en contra de otra persona (suspensión solamente).

48900.2 Cometió acoso sexual (del 4 al 12 grado).

48900.3 Causó, intentó causar, amenazó causar o participó en un acto de violencia por el odio. (del 4 al 12 grado).

48900.4 Tomó parte en acoso, amenazas o intimidación intencionalmente contra personal del distrito escolar o estudiantes (del 4 al 12 grado).

48900.7 Hizo amenazas terroristas contra funcionarios escolares, propiedad escolar o ambos.

Es el intento de la Legislatura que alternativas a la suspensión o expulsión son impuestos contra cualquier alumno por faltar injustificadamente, llegar tarde u otro modo ausente de actividades escolares. [48900 (w)]

Nota: la póliza del Distrito prohíbe que la suspensión y la expulsión sean utilizados como medidas correctivas en respuesta a la mala conducta del estudiante de desafiar por voluntad propia como lo describe el Código de Educación 48900 (k)(1).

LOS ANGELES UNIFIED SCHOOL DISTRICT
Student Discipline & Expulsion Support Unit

ATTACHMENT B

MATRIX FOR STUDENT SUSPENSION AND EXPULSION RECOMMENDATION

(State Law: Applicable to School Principals)

Category I Student Offenses with No Principal Discretion (except as otherwise precluded by law)	Category II* Student Offenses with Limited Principal Discretion	Category III* Student Offenses with Broad Principal Discretion
Principal shall immediately suspend and recommend expulsion when the following occur <u>at school or at a school activity off campus.</u> (E.C. 48915[c])	Principal must recommend expulsion when the following occur <u>at school or at a school activity off campus unless</u> the principal determines that the expulsion is inappropriate. (E.C. 48915[a])	Principal may recommend expulsion when the following occur at any time, including, but not limited to, <u>while on school grounds; while going to or coming from school; during the lunch period, whether on or off the campus; or during, or while going to or coming from, a school-sponsored activity.</u> (E.C. 48915[b] and [e])
1. Possessing, selling, or furnishing a firearm. E.C. 48915(c)(1); 48900(b)	1. Causing serious physical injury to another person, except in self-defense. E.C. 48915(a)(1); 48900(a)(1), maybe also 48900(a)(2)	1. Caused, attempted to cause, or threatened to cause physical injury to another person. (Unless, in the case of “caused,” the injury is serious. [See II.1]) E.C. 48900(a)(1); 48915(b) 2. Possession/Under influence of marijuana (1 st offense < 1 oz.) or controlled substance or alcohol or any intoxicant. E.C. 48900(c); 48915(b) 3. Sold, furnished, or offered a substitute substance represented as a controlled substance. E.C. 48900(d); 48915(b)
2. Brandishing a knife at another person. E.C. 48915(c)(2); 48900(a)(1) and 48900(b)	2. Possession of any knife, explosive, or other dangerous object of no reasonable use to the pupil. E.C. 48915(a)(2); 48900(b)	4. Caused or attempted to cause damage to school or private property. E.C. 48900(f); 48915(e) 5. Stole or attempted to steal school or private property. E.C. 48900(g); 48915(e) 6. Possessed or used tobacco. E.C. 48900(h); 48915(e) 7. Committed an obscene act or engaged in habitual profanity or vulgarity. E.C. 48900(i); 48915(e)
3. Unlawfully selling a controlled substance. E.C. 48915(c)(3); 48900(c)	3. Unlawful possession of any controlled substance (except for the first offense of no more than an ounce of marijuana, and over-the-counter and prescribed medication) E.C. 48915(a)(3); 48900(c)	8. Possessed, offered, arranged, or negotiated to sell any drug paraphernalia. E.C. 48900(j); 48915(e) 9. Disrupted school (-wide) activities. (suspension only by administrator, no expulsion). E.C. 48900(k)(1)**; 48915(e) 10. Knowingly received stolen school or private property. E.C. 48900(l); 48915(e) 11. Possessed an imitation firearm. E.C. 48900(m); 48915(e) 12. Engaged in harassment, threats, or intimidation against a pupil or group of pupils or school district personnel. E.C. 48900.4**; 48915(e)
4. Committing or attempting to commit a sexual assault or committing a sexual battery (as defined in 48900[n]). E.C. 48915(c)(4); 48900(n)	4. Robbery or extortion. E.C. 48915(a)(4); 48900(e)	13. Engaged in sexual harassment. E.C. 48900.2**; 48915(e) 14. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence. E.C. 48900.3**; 48915(e) 15. Made terrorist threats against school officials or school property, or both. E.C. 48900.7; 48915(e) 16. Willfully used force or violence upon the person of another, except in self-defense. E.C. 48900(a)(2); 48915(b)
5. Possession of an explosive E.C. 48915(c)(5); 48900 (b)	5. Assault or battery upon any school employee. E.C. 48915(a)(5); 48900(a)(1) and 48900(a)(2)	17. Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a disciplinary action. E.C. 48900(o); 48915(e) 18. Any behavior listed in Category I or II that is related to school activity or school attendance but that did not occur on campus or at a school activity off campus. E.C. 48915(b) 19. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. E.C. 48900(p); 48915(e) 20. Engaged in, or attempted to engage in, hazing, as defined in Section 32050. E.C. 48900(q); 48915(e) 21. Engaged in an act of bullying, including, but not limited to, bullying committed by means of electronic act directed specifically toward a pupil or school personnel. E.C. 48900(r); 48915(e) 22. Aided or abetted the infliction of physical injury to another person (suspension only). E.C. 48900(t); 48915(e)

* For Categories II and III, the school must provide evidence of one or both of the following **additional findings**: (1) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct, (2) Due to the nature of the act, the student’s presence causes a continuing danger to the physical safety of the pupil or others.

** Grades 4 through 12 inclusive.

MATRIX PARA LAS RECOMENDACIONES DE SUSPENSIÓN Y EXPULSIÓN DE ESTUDIANTES

(La ley del estado: se aplica a los directores de escuela)

<p align="center">Categoría I Ofensas del estudiante a las cuales el director tiene no <u>discreción</u></p>	<p align="center">Categoría II* Ofensas del estudiante a las cuales el director tiene <u>discreción limitada</u></p>	<p align="center">Categoría III* Ofensas del estudiante a las cuales el director tiene la más <u>discreción</u></p>
<p>El director <u>debe</u> suspender <u>inmediatamente</u> y recomendar la expulsión de un estudiante cuando ocurra cualquiera de los actos siguientes <u>en la escuela o en una actividad escolar</u> fuera del plantel. (C.E. 48915[c])</p>	<p>El director <u>debe</u> recomendar la expulsión de un estudiante cuando ocurra cualquiera de los actos siguientes <u>en la escuela o en una actividad escolar</u> fuera del plantel A MENOS DE QUE determine que la expulsión es inapropiada. (C.E. 48915[a])</p>	<p>El director puede recomendar la expulsión de un estudiante cuando ocurra cualquiera de los actos siguientes en cualquier momento, incluyendo, pero sin limitarse a, cuando se encuentre dentro del plantel escolar; mientras vaya a o venga de la escuela; durante el período del almuerzo, sea dentro o fuera del plantel; o durante, o cuando vaya a o venga de, alguna actividad patrocinada por la escuela. (C.E. 48915[b] and [e])</p>
<p>1. Teniendo en posesión, vendiendo, o proporcionando un arma de fuego. C.E. 48915(c)(1); 48900(b)</p>	<p>1. Causando una herida física grave a otra persona, excepto en caso de defensa propia. C.E. 48915(a)(1); 48900(a)(1), y tal vez también 48900(a)(2)</p>	<p>1. Causó o intentó causar, o amenazó causar, una lesión corporal a otra persona. (A menos de que, efectivamente, causó una lesión grave) C.E. 48900(a)(1); 48915(b) 2. Posesión/bajo la influencia de marihuana (1^g < 1 oz.) o alcohol o sustancia controlada o embriagante. C.E. 48900(c); 48915(b) 3. Vendió, proporcionó u ofreció una sustancia sustituta, haciéndola pasar por una sustancia controlada. C.E. 48900(d); 48915(b)</p>
<p>2. Blandiendo una navaja a otra persona. C.E.48915(c)(2); 48900(a)(1) y 48900(b)</p>	<p>2. Teniendo en posesión cualquier tipo de cuchillo, explosivo o cualquier objeto peligroso que no sea para el uso razonable del alumno. C.E. 48915(a)(2); 48900(b)</p>	<p>4. Causó o intentó causar daño a propiedad escolar o privada. C.E. 48900(f); 48915(e) 5. Robó o intentó robar propiedad privada o de la escuela. C.E. 48900(g); 48915(e) 6. Poseyó o usó tabaco. C.E. 48900(h); 48915(e) 7. Cometió un acto obsceno o se comportó habitualmente de manera profana o vulgar. C.E. 48900(i); 48915(e)</p>
<p>3. Vendiendo ilegalmente una sustancia controlada. C.E. 48915(c)(3); 48900(c)</p>	<p>4. Teniendo en posesión ilegalmente cualquier sustancia controlada (excepto en el caso de que sea la primera ofensa por posesión de menos de una onza de marihuana, y medicamento con o sin receta) C.E. 48915(a)(3); 48900(c)</p>	<p>8. Poseyó, ofreció o negocio para vender artículos relacionados con las drogas. C.E. 48900(j); 48915(e) 9. Interrumpió actividades escolares. (actividades a nivel escolar; emitida sólo por un administrador) C.E. 48900(k)(1)**; 48915(e) 10. Recibió a sabiendas propiedad escolar o propiedad privadas robadas. C.E. 48900(l); 48915(e) 11. Poseyó una arma de fuego de imitación. C.E. 48900(m); 48915(e) 12. Acosó, amenazó o intimidó a algún alumno o grupo de alumnos o personal escolar del distrito. C.E. 48900.4**; 48915(e)</p>
<p>4. Cometiendo o intentando a cometer un ataque sexual o cometiendo una agresión sexual (según lo definido en 48900[n]). C.E. 48915(c)(4); 48900(n)</p>	<p>4. Robo o extorsión. C.E. 48915(a)(4); 48900(e)</p>	<p>13. Cometió acoso sexual. C.E. 48900.2**; 48915(e) 14. Causó, intentó causar, amenazó causar o participó en algún acto de violencia generado por el odio. C.E. 48900.3**; 48915(e) 15. Hizo amenazas terroristas contra funcionarios escolares o propiedad escolar o ambos. C.E. 48900.7; 48915(e) 16. Intencionalmente uso fuerza o violencia sobre la persona de otro, excepto en los casos de defensa propia. C.E. 48900(a)(2); 48915(b)</p>
<p>5. Que posea un explosivo C.E. 48915(c)(5); 48900(b)</p>	<p>5. Ataque o agresión física sobre cualquier empleado de la escuela. C.E. 48915(a)(5); 48900(a)(1) y (a)(2)</p>	<p>17. Acosó, amenazó o intimidó a un alumno que es un testigo acusador u otro testigo en un procedimiento disciplinario. C.E. 48900(o); 48915(e) 18. Cualquier tipo de conducta citada en la Categoría I o II que <u>no</u> ocurrió ni dentro del plantel escolar ni en una actividad escolar fuera del plantel. C.E. 48915(b) 19. Ofreció, dispuso la venta, negoció la venta o vendió ilegalmente el medicamento recetado Soma. C.E.. 48900(p); 48915(e) 20. Tomó parte en novatadas, o intentó tomar parte en las mismas, según se definen en el Artículo 32050. C.E. 48900(q); 48915(e) 21. Participando en un acto de intimidación, incluyendo entre otros, intimidación cometida por medios electrónicos dirigida específicamente hacia un alumno o personal escolar. C.E. 48900(r); 48915(e) 22. Ayudó o instigó para infligir o intentar infligir una herida física en contra de otra person (suspensión solamente). E.C. 48900(t); 48915(e)</p>

* Para las categorías II y III la escuela debe presentar evidencia de uno o dos de **las pruebas adicionales**: (1) Otras medidas correctivas no son factibles, o repetidamente no se ha logrado obtener la conducta adecuada.
(2) Debido a la naturaleza del acto, la presencia del estudiante presenta un peligro continuo a la seguridad física del mismo o de los demás.

** Válido sólo para alumnos del 4 al 12 grado.

LOS ANGELES UNIFIED SCHOOL DISTRICT
Student Discipline and Expulsion Support Unit

ATTACHMENT C

EXTEND SUSPENSION BEYOND FIVE DAYS

E.C. Section 48911 (g) authorizes school districts to extend student suspensions beyond 5 consecutive school days in instances where the student is being recommended for expulsion. This procedure does not apply to students with disabilities. For purposes of this section, the Local District (LD) Administrator of Operations is the designee of the Superintendent of Schools.

1. A recommendation to extend the student's suspension beyond the 5-day limit shall be submitted to the LD Administrator of Operations for review and approval during the 5-day suspension period.
2. An extension of suspension may be imposed only if the LD Administrator of Operations or designee has determined that the presence of the student at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process.
3. The above determination can be made only after a meeting held by the LD Administrator of Operations or designee within the initial 5-day suspension period, to which the student and parent/guardian are invited to participate.
4. If the action to extend suspension is not completed within the initial 5-day suspension period, the student shall be enrolled in an interim educational program.
5. If it is determined that the extension of suspension authorized by the Administrator of Operations needs to be further extended until the Board takes final action on the expulsion recommendation, the Superintendent of Schools shall then authorize this extension.

Note: For more information regarding student suspension, please review BUL-5655.3, Guidelines for Student Suspension.

LOS ANGELES UNIFIED SCHOOL DISTRICT
Student Discipline and Expulsion Support Unit

ATTACHMENT D

SUMMARY OF STUDENT EXPULSION PROCEDURES

The following information is provided to assist the student and his or her parent/guardian to understand District procedures when the expulsion of a student is being considered. Copies of this item, along with California Education Code Sections 48900 *et seq.* (grounds for suspension and/or expulsion), may be obtained upon request at the school site.

A. THE SCHOOL

1. Student is charged with violating one or more subsections of Education Code (E.C.) section 48900; 48900.2, 48900.3, 48900.4, or 48900.7; and/or 48915.
2. Prior to suspending the student, the principal/designee has an informal conference with the student to discuss the allegation and to obtain the student's written statement.
3. School personnel will provide written notice of suspension along with Appeal Form and Instruction to the parent/guardian.
4. Principal/designee conducts a conference at school with parent/guardian and student to discuss the allegation(s) and the possibility of an expulsion recommendation. At this conference, parent and student are provided the opportunity to respond to the charge(s) and to present a defense.
5. If principal decides to recommend expulsion, school personnel will notify the parent/guardian by mail.
6. Pending disposition of expulsion recommendation, student may be placed in an alternative educational program. If student is not placed within five school days, the parent/guardian should call the AB 922 Placement Advisor at (213) 202-7570.
7. The parent has the right to request a new school placement should the Expulsion Review Committee (ERC) not recommend expulsion for the student.

B. EXPULSION HEARING PROCESS

1. The student should be present at the hearing.
2. Parent/guardian has the right to be represented by a counsel, or accompanied by an advocate or other representative.
3. The school must present evidence to substantiate the charge; the parent/guardian and the student have the right to also present evidence.
4. At the Expulsion Review Committee (ERC) hearing, reasonable and pertinent evidence shall be considered.
5. The ERC may decide to not recommend expulsion (NRE). Should this occur, the expulsion process will stop and the student will be permitted to return to the referring school. The parent/guardian has the right to request a change of placement after the NRE decision.
6. If the ERC decides to recommend expulsion to the Board of Education, the parent/guardian will be notified by mail.
7. Subsequently, the Student Discipline and Expulsion Support Unit will mail notification to the parent/guardian of the scheduled date that the Board will take action on the case.
8. The parent/guardian and/or student may request to address the Board of Education.

C. THE BOARD OF EDUCATION

1. The Board may accept, alter, or reject the Expulsion Review Committee's recommendation (unless the State mandates that, due to the misconduct, the Board must expel the student).
2. The Board must make its decision at a public meeting.
3. The parent/guardian and/or student may address the Board.
4. The Board shall recommend a plan of rehabilitation for the student.
5. If the student is expelled without the suspended enforcement, the District will provide assistance, as needed, to ensure an alternative educational placement.
6. If the student is not expelled, the District will assign the student to a school or program within the District.
7. An expelled student may be reinstated at the end of his or her term of expulsion if the student has complied with the rehabilitative contract and is deemed to not present potential danger to personnel or pupils of the District.

D. THE COUNTY BOARD OF EDUCATION

The student or parent/guardian may appeal the expulsion to the Los Angeles County Board of Education within 30 calendar days following the Board's decision to expel. For information on appeals to the Los Angeles County Board of Education, telephone (562) 922-6516.

DISTRITO ESCOLAR UNIFICADO DE LOS ANGELES
Unidad de Disciplina Estudiantil y Apoyo de Expulsión

ANEXO D-1

RESUMEN DE LOS PROCEDIMIENTOS DE EXPULSIÓN ESTUDIANTIL

La siguiente información es proporcionada para ayudar al estudiante y sus padres/guardianes a entender los procedimientos del Distrito cuando la expulsión de un estudiante es considerada. Copias de esta nota, junto con los Artículos 48900 et seq. del Código de Educación del Estado de California (motivos de la suspensión y/o expulsión), pueden ser obtenidas si las solicita en la escuela de pertenencia.

A. LA ESCUELA

1. El estudiante es acusado de violar uno o más de los subartículos del Artículo 48900; 48900.2, 48900.3, 48900.4, o 48900.7; y/o 48915 del Código de Educación.
2. Antes de suspender al estudiante, el director(a)/la persona designada tiene una conferencia informal con el estudiante para investigar los cargos alegados y para obtener una declaración escrita del estudiante.
3. Un aviso, por escrito, sobre la suspensión con el Formulario de Apelación y Instrucciones se le enviará a los padres/guardianes.
4. El director(a)/la persona designada lleva a cabo una conferencia con los padres/guardianes y el estudiante para investigar la(s) alegación(es) y la posibilidad de una recomendación de expulsión. En esta conferencia, los padres/guardianes y el estudiante pueden presentar evidencia en favor del estudiante.
5. Si el director(a) decide recomendar la expulsión, el personal de la escuela les enviará a los padres un aviso por correo.
6. Pendiente la disposición de la recomendación de la expulsión, el estudiante puede ser referido a un programa alternativo de educación. Si el estudiante no es referido dentro de cinco días escolares, los padres/guardianes deben llamar a la consejera de asignación educativa al (213) 202-7570.
7. Los padres/tutores tienen el derecho de ejercitar un cambio de la escuela si el Comité de Revisión de Expulsiones (ERC) no recomienda expulsar al estudiante.

B. AUDIENCIA DE EXPULSIÓN

1. El estudiante debe estar presente en la audiencia.
2. Los padres/guardianes tienen el derecho de ser representados por un asesor legal o acompañados por un representante de defensa u otro representante.
3. La escuela debe presentar la evidencia para justificar el cargo (los cargos); los padres/guardianes y el estudiante tienen el derecho de presentar también evidencia.
4. En la audiencia del Comité de Revisión de Expulsiones (ERC), se tomará en consideración la evidencia pertinente y razonable.
5. El ERC puede decidir no recomendar expulsión (NRE). Si esto sucede, el proceso de la expulsión parará y dependiendo de la decisión del NRE, el estudiante será permitido volver a la escuela que inició la expulsión. Después de la decisión tomada por ERC, los padre/guardian tienen el derecho de pedir un cambio de escuela si es que así lo deciden.
6. Si el ERC decide recomendar expulsión a la Junta de Educación, los padres/guardianes serán notificados por el correo.
7. Subsecuentemente, la Unidad de Disciplina Estudiantil y Apoyo de Expulsión enviará una notificación por correo a los padres/guardianes diciéndoles la fecha planificada cuando la Junta tomará medidas en el caso.
8. Los padres/guardianes y/o el estudiante pueden pedir dirigirse a la Junta de Educación.

C. LA JUNTA DE EDUCACIÓN

1. La Junta puede aceptar, alterar, o rechazar la recomendación del Comité de Revisión de Expulsiones (excepto cuando la expulsión es mandada por ley debido a la mala conducta).
2. La decisión de la Junta debe ser tomada durante una junta pública.
3. Los padres/guardianes pueden dirigirse a la Junta.
4. La Junta recomendará un plan de rehabilitación para el estudiante.
5. Si al estudiante se le expulsa sin el cumplimiento suspendido, el Distrito proporcionará ayuda, como es necesario, para garantizar una asignación a un programa alternativo.
6. Si no se expulsa al estudiante, el Distrito asignará al estudiante a una escuela o programa dentro del Distrito.
7. Un estudiante expulsado puede ser reintegrado al distrito después del plazo de la expulsión si cumplió su contrato de rehabilitación y si se considera que no representa un peligro a los empleados ni a los alumnos del Distrito.

D. LA JUNTA DE EDUCACIÓN DEL CONDADO

El estudiante o sus padres/guardianes pueden apelar la expulsión ante la Junta de Educación del Condado de Los Angeles dentro de los 30 días de calendario siguiendo la decisión de expulsión que tomó la Junta. Para más información sobre apelaciones ante la Junta de Educación del Condado de Los Angeles, favor de llamar al (562) 922-6516.

INTEROFFICE CORRESPONDENCE
Los Angeles Unified School District

ATTACHMENT E

(Example)

TO: Joe Grand
Local District Administrator of Operations
Local District (Region)

DATE:

FROM: Michael Rose, Principal
Urban Middle School

SUBJECT: MANDATORY EXPULSION RECOMMENDATION
John Doe (DOB: 4/2/03), 8TH Grade

I hereby recommend the expulsion of John Doe, an 8th grade student at Urban Middle School because of my determination that:

On September 8, 2016, while on the campus of Urban Middle School, John Doe had a dangerous object (a locking-blade knife) in his possession. In addition, John threatened to cause physical injury to another student by brandishing the knife at him.

On September 13, 2016, a conference regarding this matter was held on the Urban Middle School campus. In attendance at this conference were myself; Judy Rivera, assistant principal; John Doe; Carol Doe and Roger Doe, John's parents; and Maria Juarez, office technician and translator. The incident in which John was involved was discussed thoroughly, and an opportunity was given to allow information on behalf of the student to be presented by the parties in attendance.

During the conference, John admitted that he had a knife in his possession. He denied threatening anyone.

Case materials will be submitted by the administration of this school to the Student Discipline and Expulsion Support staff for review by the Expulsion Review Committee.

c: Student Discipline and Expulsion Support Unit

INTEROFFICE CORRESPONDENCE
Los Angeles Unified School District

ATTACHMENT F

(Example)

TO: Joe Grand
Local District Administrator of Operations
Local District (Region)

DATE:

FROM: Michael Rose, Principal
Urban Middle School

SUBJECT: NON-MANDATORY EXPULSION RECOMMENDATION
John Doe (DOB: 4/2/03), 8th Grade

I hereby recommend the expulsion of John Doe, an 8th grade student at Urban Middle School, because of my determination that:

On September 8, 2016, while on the campus of Urban Middle School, John Doe damaged school property. In addition, John stole school property.

Pursuant to Education Code Sections 48900 and 48915, the school principal has authority and discretion to recommend expulsion for this particular violation; however, the law also requires additional findings to support the student's expulsion. Therefore, I'm providing the following checklist with attached case materials for your review and approval.

----- (To be signed off by LD Administrator of Operations or Designee) -----

Yes__ No__ The school has jurisdiction to discipline the student in this matter.

Yes__ No__ The school's evidence does substantiate the charge(s).

Yes__ No__ The school has fulfilled the requirement of additional findings.

Yes__ No__ N/A__ The misconduct was not a direct and substantial manifestation of the student's disability.

Yes__ No__ N/A__ The misconduct was not a direct result of the District's failure to implement the IEP.

_____ I conclude that the referring principal **shall proceed** with the expulsion recommendation.
(Signature)

_____ I conclude that, due to the negative finding of aforementioned reason(s), the referring principal **shall not proceed** with the expulsion recommendation and that alternative intervention measures shall be rendered.
(Signature)

c: Student Discipline and Expulsion Support Unit
Local District Special Education Service Center Administrator (as appropriate)

(SCHOOL LETTERHEAD)

ATTACHMENT G

(Example)

Date

Carol and Roger Doe
1234 South San Julian Street #104
Los Angeles, CA 90015

RE: John Doe

Student ID Number:

Dear Mr. and Mrs. Doe:

This letter is to notify you of my decision to recommend the expulsion of John Doe from the Los Angeles Unified School District. This action is taken in compliance with California Education Code Sections 48900 *et seq.* and 48915. While this action is regrettable, the recommendation is being made because of my determination that:

On September 8, 2016, while on the campus of Urban Middle School, John Doe had a dangerous object (a locking-blade knife) in his possession. In addition, John threatened to cause physical injury to another student by brandishing the knife at him.

Pending the disposition of the expulsion recommendation, the student may be placed in an alternative educational program. If the student is not placed by the end of his suspension, please call the AB 922 Placement Advisor at (213) 202-7570.

You will receive a written request to attend an expulsion hearing. If you do not receive a letter within 10 school days, please call the Student Discipline and Expulsion Support Unit at (213) 202-7555.

If you have any questions or concerns regarding this matter, please contact my office at (213) 555-1111.

Sincerely,

Principal

c: Local District Administrator of Operations
Student Discipline and Expulsion Support Unit

(SCHOOL LETTERHEAD)

ATTACHMENT G-1

(Example-Spanish)

Fecha

Carol y Roger Doe
1234 South San Julian Street #104
Los Angeles, CA 90015

RE: John Doe

No. de identificación:

Estimados Sr. y Sra. Doe:

Esta carta es para notificarles de mi decisión de recomendar la expulsión de John Doe del Distrito Escolar Unificado de Los Angeles. Esta acción es tomada en cumplimiento con las Secciones 48900 et seq. y 48915. En tanto que esta acción es lamentable, la recomendación es hecha a causa de mi determinación que:

El día 8 de septiembre del 2016, mientras se encontraba dentro del plantel de la Escuela Urban Middle, John Doe tenía un objeto peligroso (una navaja con seguro) en su posesión. Además, John amenazó causar daño físico a otro estudiante por blandir la navaja contra el.

Pendiente la disposición de la recomendación de la expulsión, el estudiante puede ser colocado en un programa educativo alternativo de educación. Si el estudiante no es colocado después del último día de su suspensión, favor de llamar a la consejera de asignación educativa al (213) 202-7570.

Ustedes recibirán notificación escrita pidiendo que atiendan a una audiencia de expulsión. Si usted no recibe una carta dentro 10 días escolares, favor de llamar a la Unidad de Disciplina Estudiantil y Apoyo de Expulsión al (213) 202-7555.

Si usted tiene preguntas tocantes a este asunto, por favor comuníquese con mí oficina al (213) 555-1111.

Atentamente,

Director

c: Administrador de Operaciones del Distrito Local
Unidad de Disciplina Estudiantil y Apoyo de Expulsión

INTEROFFICE CORRESPONDENCE
Los Angeles Unified School District

ATTACHMENT H
(Page 1 of 2)

(Example)

TO: Michael Rose, Principal
Urban Middle School

DATE:

FROM: Judy Rivera, Assistant Principal
Urban Middle School

SUBJECT: ADMINISTRATIVE STATEMENT
Brandishing a knife – John Doe (DOB: 4/2/03, 8th Grade)

On Thursday, September 8, 2016, at approximately 11:30 a.m., David Lee, C-track dean, informed me that two students, individually and separately, had approached him during nutrition and reported that John Doe had a knife. In addition, one of the students said that John had threatened him with the knife, pointing it at him and saying he would “shank” him if he told.

I contacted Araceli Martinez, the school police officer, who assisted in escorting John to my office, where I saw her search John and recover a locking-blade knife from his pants pocket.

John told us he had the knife for protection. He said that several “gang-bangers” had threatened to “get” him. John also said that he had not pointed the knife at anyone, nor had he threatened anyone with it. Officer Martinez arrested John and transported him to the police station.

I called Carol Doe, John’s mother, and informed her of what had transpired and where John was being taken. I asked Ms. Doe to call me to schedule a conference as soon as John was released.

Roger Doe, John’s father, called me the next morning to tell me that John had been released and that they wanted to meet with me as soon as possible.

On Tuesday, September 13, 2016 a pre-expulsion IEP was held. Present were the following people:

Michael Rose, Principal
Judy Rivera, Assistant Principal
Cindy Shoe, School Psychologist
Frank Hall, Program Specialist
Holly Smith, Bridge Coordinator
John Doe, student
Carol and Roger Doe, John’s parents
Maria Juarez, Office Technician and translator

The IEP team determined that John was properly placed at the time of the incident and that the incident was a not a manifestation of his qualifying disability.

Immediately following the pre-expulsion IEP meeting, I conducted a conference in my office. Present were the following people:

Michael Rose, principal
Judy Rivera, assistant principal
John Doe, student
Carol and Roger Doe, John's parents
Maria Juarez, office technician and translator

I reviewed the incident and provided an opportunity for John and his parents to respond to the allegation that:

On September 8, 2016, while on the campus of Urban Middle School, John Doe had a dangerous object (a locking-blade knife) in his possession. In addition, John threatened to cause physical injury to another student by brandishing the knife at him.

During this conference, John admitted that he had had a knife in his possession. However, he denied threatening anyone. Ms. Doe, John's mother, stated that if the school is a safe place, John would not have felt the need to carry a knife.

I suspended John from school for five (5) school days, effective September 8, 2016. We explained to the family that, due to the serious nature of the allegation, the principal might recommend that John be expelled from the District and, should that occur, we would send notification of this decision to them.

Near the end of the conference, I provided the parents with copies of Education Code Sections 48900 et seq. and of the District's Summary of Expulsion Procedures.

Finally, I told the family that, should the principal recommend that John be expelled, the AB 922 Placement Advisor would contact them to assign John to an interim educational placement pending resolution of the expulsion process, and I gave them the phone number for that office. I also advised the parent of their rights to request a new school placement if the Expulsion Review Committee does not recommend expulsion for John.

WRITTEN STATEMENT

Statement of: _____, _____
(Name) (Identity – e.g., student, teacher)

Regarding the incident that took place on _____,
(Date of the incident)

Multiple horizontal lines for writing the statement.

(In the statement, the nature of the incident should be described in detail, including the names of the people and items involved).

Signature: _____

Date: _____

* If the statement was transcribed by a staff member, include the following:

I, (Dictator’s Name), have dictated this statement to (Transcriber’s Name). This is a true and accurate account of my statement as a witness.

I, (Transcriber’s Name and Title), have transcribed this statement to the best of my ability, as dictated to me by (Dictator’s Name).

Dictator’s Signature _____ Date _____

Transcriber’s Signature _____ Date _____

** When translating a student’s original statement from another language to English, please add:

I, (Translator’s Name and Title), have translated the statement of (Student’s Name) from (Language) to English to the best of my ability.

Translator’s Signature _____ Date _____

LOS ANGELES UNIFIED SCHOOL DISTRICT
Student Discipline and Expulsion Support Unit

ATTACHMENT J

ANONYMOUS SWORN DECLARATION OF WITNESS - E.C. SECTION 48918 [f]

In the matter of the possible expulsion of _____, a student at _____
School, I feel that the disclosure of my identity and my testimony as a witness at the hearing would
subject me to unreasonable risk of harm.

I wish to remain anonymous because:

Narrative:

I declare under penalty of perjury that the foregoing is true and correct this _____ day of
_____, 20__.

Executed at _____, California.

*Declarant's name

*Signature

*Name and signature will be redacted.

**INTEROFFICE CORRESPONDENCE
LOS ANGELES UNIFIED SCHOOL DISTRICT**

ATTACHMENT K

(Example)

TO: Expulsion Review Committee

DATE:

FROM: _____, Assistant Principal
_____ School

SUBJECT: METHODS OF COMMUNICATING SCHOOL RULES

Student Discipline Policies are communicated to students at _____ School through the following methods:

1. Student orientation assemblies
2. Code of Conduct in student calendar/planner provided by the school
3. Code of Conduct posted in offices and classroom
4. Code of Conduct mailed to all parents
5. Code of Conduct and Discipline Policies overview for parent meetings, such as ELAC, CEAC, SSC, LEARN, and Coffee with the Principal
6. LAUSD Parent-Student Handbook given to every student/family
7. Announcements in the School Web Site (Parent Information and Newsletter)
8. Announcements via letters mailed home
9. Announcements on the public address system
10. Signs posted on gates regarding the District's no-weapon policy
11. Student contracts and individual intake conferences held by the assistant principal in charge of discipline with every incoming Opportunity Transfer student
12. Individual conference with student and parents held when inappropriate behavior is observed

LOS ANGELES UNIFIED SCHOOL DISTRICT

ATTACHMENT L
(Page 1 of 2)

**DISTRICT PROPERTY
NOTIFICATION OF LOSS**

This form is to be used for Los Angeles Unified School District Property only. For losses involving employee property, contact the Employee Reimbursement Program (213) 241-3130. Please forward complete form to the address below.

TO: Division of Risk Management/Insurance Services
Los Angeles Unified School District
333 S. Beaudry Avenue, 28th Floor
Los Angeles, CA 90017
School Mail: Division of Risk Management/Insurance Services
Beaudry Building, 28th Floor
Tel: (213) 241-3127
Fax: (213) 241-8993

FROM: _____ **DATE:** _____

1) Date of Loss: _____

2) Location of Loss (including ESC #): _____

- 3) Offense: (Circle One)
- a) Automobile Accident (Complete and return attached vehicle Accident Report)
 - b) Arson
 - c) Breach of Contract
 - d) Employee Overpayment/Reimbursement
 - e) Food Services
 - f) Fraud/Embezzlement
 - g) Theft/Burglary
 - h) Vandalism
 - i) Other

4) Description of Incident/Loss: _____

5) Amount of Loss: _____

6) Offending Party (person who committed offense):

Name: _____

Address: _____

Phone #: (Home) _____ (Work) _____

Employee #: _____ Social Security #: _____ Date of Birth: _____

7) Responsible Party (person responsible for reimbursement, if different from offending party, e.g., parent):

Name: _____

Address: _____

Phone # (Home): _____ (Work) _____

Social Security #: _____ Date of Birth: _____

8) Investigating Agency(ies): (e.g., School Police, LAPD, CHP, Sheriff)

Agency: _____

Investigating Officer: _____

Address/Phone #: _____

Report #: _____

9) Other Pertinent Information:

In cases involving students, please inform the parents that someone from the LAUSD Collection Unit will be contacting them to make arrangements for reimbursement of the loss. In all cases, any inquiries or payments from offending party, employee, student and/or parent/guardian should be directed to the Restitution Unit for handling.

INTEROFFICE CORRESPONDENCE
Los Angeles Unified School District

ATTACHMENT M

(Example)

TO: Expulsion Review Committee

DATE:

FROM: Michael Rose, Principal
Urban Middle School

**SUBJECT: PARENT REQUEST FOR SPECIAL EDUCATION ASSESSMENT DURING
EXPULSION PROCESS FOR: John Doe (DOB: 4/2/03), 8th Grade**

During the expulsion process, the parent of John Doe, a 7th grade student at Urban Middle School, has requested that the student be assessed for special education services. My determination and response regarding this request are reflected as follows:

The District is deemed to have knowledge or suspicion that the student had a disability prior to the incident because:

Yes ___ No ___ The parent of the child has expressed to school staff that the student might require special education services.

Yes ___ No ___ The parent of the child requested an assessment before the disciplinary action occurred.

Yes ___ No ___ The teacher of the child or other school staff expressed specific concerns about a pattern of behavior demonstrated by the child directly to administrative personnel.

Per District policy, the expulsion process shall halt and our school will conduct the assessment within the legal timelines and inform all parties involved of the results of the assessment.

----- OR -----

The District is not deemed to have knowledge or suspicion that the student had a disability because:

Yes ___ No ___ The parent has not allowed an assessment.

Yes ___ No ___ The parent has refused or revoked special education services.

Yes ___ No ___ The student has been assessed and found not to be a child with a disability.

Per District policy, our school shall conduct the assessment within legal timelines while the expulsion process proceeds.

_____Signature

Date

c: Student Discipline and Expulsion Support Unit
Local District Special Education Administrator

LOS ANGELES UNIFIED SCHOOL DISTRICT
Student Discipline and Expulsion Support Unit

ATTACHMENT N

Penal Code (P.C.) Definitions
Sexual Assault and Battery (E.C. Section 48900[n])

SEXUAL ASSAULT

P.C. 261 - Rape

- (a)(1) Where a person is incapable, because of mental disorder or development or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act.
- (2) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
- (3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.
- (4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused.

P.C. 266c - Sexual Intercourse, Fear

Inducing another person to engage in sexual intercourse, penetration of the genital or anal openings by a foreign object, substance, instrument, or device, oral copulation, or sodomy when his or her consent is procured by false or fraudulent representation or pretense that is made with the intent to create fear.

P.C. 286 - Sodomy

- (a) Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy.

P.C. 288 - Lewd or Lascivious Acts

- (a) Any person who shall willfully and lewdly commit any lewd or lascivious act upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of the child, shall be guilty of a felony.

P.C. 288a - Oral Copulation

- (a) Oral copulation is the act of copulating the mouth of one person with the sexual organ or anus of another person.

P.C. 289 - Penetration with foreign objects

Causing the penetration, however slight, of the genital or anal openings of any person or causing another person to so penetrate the defendant's or another person's genital or anal openings for the purpose of sexual arousal, gratification, or abuse by any foreign object, substance, instrument, or device when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person or where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person.

SEXUAL BATTERY

P.C. 243.4 - Sexual Battery

Any person who touches an intimate part of another person if the touching is against the will of the person touched, and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery.

LOS ANGELES UNIFIED SCHOOL DISTRICT
Student Discipline and Expulsion Support Unit

ATTACHMENT O

(Example)

LETTER FROM PRINCIPAL TO PARENT/GUARDIAN OF COMPLAINING WITNESS
IN MATTER OF SEXUAL ASSAULT AND BATTERY

(School Letterhead)

(Date)

(Parent/Guardian of Complaining Witness)

Dear _____:

This letter is to request that your son or daughter, (*name of complaining witness*), testify at a hearing of the District Expulsion Review Committee in the expulsion matter of (*name of accused*), which has been scheduled as follows:

DATE:

TIME:

LOCATION:

State law requires that you receive five days' notice of the scheduled hearing. Under certain circumstances, you may request that the hearing be postponed for one school day in order to accommodate (*name of witness*)'s participation in the hearing process.

In accordance with California Education Code Section 48918.5, (*name of witness*) may have up to two support persons of his or her choosing present when he or she testifies.

In addition, State law mandates that (*name of accused*) and the student named above refrain from any contact, including either personal or telephonic or by e-mail or text messaging, with each other during the expulsion process.

Enclosed for your information is a copy of the rules of the school and the school district which pertain to student discipline.

Please let me know whether or not your child plans to testify at the hearing as scheduled above. You may contact me at (*phone #*).

Sincerely,

Principal

LOS ANGELES UNIFIED SCHOOL DISTRICT
Student Discipline and Expulsion Support Unit

ATTACHMENT O-1

(Example – Spanish)

(School Letterhead)

(Fecha)

(Padres/guardianes del testigo acusador)

Estimado _____:

Por medio de esta carta, se solicita que su hijo/a, (*name of complaining witness*), testifique en una audiencia del Comité de Revisión de Expulsión del Distrito en el asunto de expulsión de (*name of accused*), la cual ha sido programada para:

FECHA:

HORA:

LUGAR:

La ley del Estado dispone que usted reciba una notificación cinco días antes de la audiencia programada. Bajo ciertas circunstancias, usted puede solicitar que la audiencia se posponga un día escolar adicional con el propósito de hacer los arreglos necesarios para la participación de (*name of witness*) en el proceso de la audiencia.

De acuerdo con el Artículo 48918.5 del Código de Educación de California, (*name of witness*) puede tener hasta dos personas de apoyo que elija para que estén presentes cuando el o ella da su testimonio.

Además, la ley estatal dispone que (*name of accused*) y el estudiante arriba nombrado eviten tener contacto alguno, ya sea personal o por teléfono, o correo electrónico o mensajera de texto, mientras esté pendiente el proceso de expulsión.

Para su información está incluida una copia de las reglas de la escuela y del Distrito Escolar sobre la disciplina de los estudiantes.

Por favor hágame saber si el estudiante planea testificar o no en la audiencia programada. Se puede comunicar conmigo al (*phone #*).

Atentamente,

Director/a

LOS ANGELES UNIFIED SCHOOL DISTRICT
Student Discipline and Expulsion Support Unit

ATTACHMENT P

CASE CLOSED AT SCHOOL

Student Name: _____ **DOB:** _____

Referring School: _____

Current School of Enrollment: _____

Reason of Closing the Case:

_____ IEP Issues

_____ Alternative Means of Correction Are Feasible

_____ Other: (please specify)

Referring School's Follow-Up Actions:

School Official: _____, _____
Name Title

Signature Date