

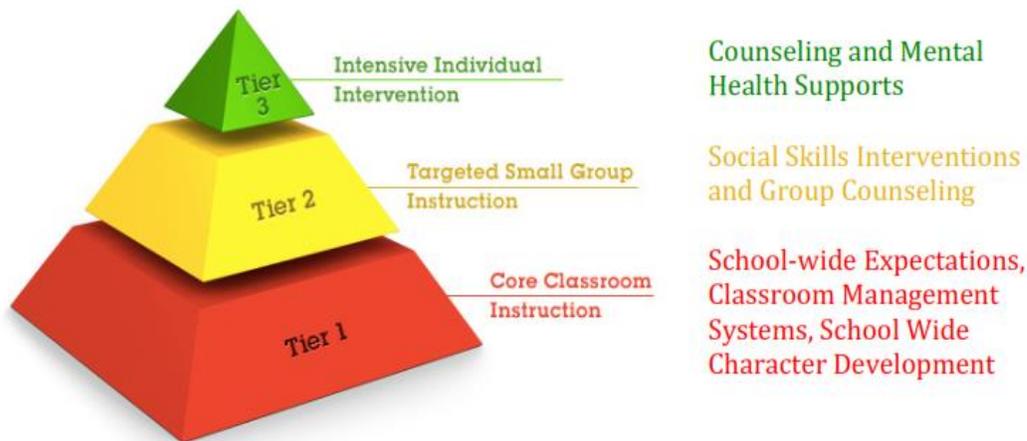


STUDENT DISCIPLINE POLICY

Board Approval November 21, 2019

School Climate and Student Discipline System

ICEF Public Schools is committed to providing a positive and safe school environment that nourishes growth and healthy scholar development. Our discipline policy is designed to provide fair and consistent guidelines for addressing student behavior with the least amount of disruption to the learning process. Our policy prescribes a multi-level approach that emphasizes positive reinforcement, proactive staff involvement and scholar support services. The multi-tiered approach is described as follows:



1. Standards of behavior, school rules, and consequences for violating these are thoroughly and clearly relayed to all stakeholders, including, students, parents, teachers and administrators. Teachers, staff, and administrators will repeatedly reinforce expected student behaviors, both in and out of the classroom.
2. All ICEF employees, including teachers, staff, administrators, and volunteers will play an active role in teaching and modeling mutual respect, effective communication skills, problem solving, and conflict resolution techniques to ICEF students. *Administrators will ensure that all teachers, staff, and administrators receive adequate and continual training on classroom management, with an emphasis on techniques to effectively deal with disruptive student behavior. School Principals will ensure that staff designated to deal with student discipline have required qualifications to address students' social-emotional needs.*
3. The entire ICEF Staff will be expected to contribute to a supportive school climate by providing students with positive reinforcement (i.e., recognizing and rewarding positive student behavior). *All students will be treated in a respectful manner and be given opportunities to have healthy interactions with peers and adults.*
4. Violations of standards of behaviors by students will led to corrective actions (consequences), which will be strategically related and relevant to student specific violations. *Consequences for violation of expected student behaviors or school rules will not be random, shame provoking, or inadvertently cause harm to student in way.*
5. Student discipline will be documented, monitored *on a monthly basis and trends will be evaluated to ensure adherence with the Modified Consent Decree MCD.*

Basic student expectations are founded on the following tenets:

- ☐ Respect for oneself
- ☐ Respect for parents, peers, teachers, staff and volunteers
- ☐ Respect for the knowledge received and opportunities granted by education
- ☐ Respect for all school community and school personal property

ICEF'S SUSPENSION AND EXPULSION POLICY

ICEF's Pupil Suspension and Expulsion Policy (Policy) has been established in order to promote learning and protect the safety and well being of all students at the Charter School. In creating this Policy, the Charter School has reviewed Education Code Section 48900 *et seq.*, which describes the non-charter schools' list of offenses and procedures, to establish its list of offenses and procedures for suspensions and expulsions. The language in the ICEF Policy closely mirrors the language of Education Code Section 48900 *et seq.* The Charter School is committed to annual review of policies and procedures surrounding suspensions and expulsions and, as necessary, modification of the lists of offenses for which students are subject to suspension or expulsion; modifications will be discussed with the LAUSD CSD to determine whether a material revision to this charter petition may be required.

When the Policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. The Policy shall serve as the Charter School's policy and procedures for student suspension and expulsion and it may be amended from time to time; amendments will be discussed with the LAUSD CSD to determine whether a material revision to this charter petition may be required. Charter School staff shall enforce disciplinary rules and procedures fairly and consistently among all students. The Policy and its procedures will be printed and distributed as part of the Student Handbook and will clearly describe discipline expectations. Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of or willfully causing the infliction of physical pain on a student. For purposes of the Policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to school property.

Students at each ICEF Public School are expected to embody the ICEF Core Values of communication, collaboration, safety, accountability, diversity, empowerment, and community. Students are recognized and rewarded for modeling appropriate behaviors and students are taught self-respect and self-discipline through Positive Behavioral Interventions and Supports (PBIS), which serve to make negative behaviors less relevant and desired behavior more functional.

Every ICEF student is expected to meet minimum standards of conduct. When students disobey the law or do not obey school rules and regulations, they may be subject to discipline. At the beginning of the year, each school disseminates the Parent and Student Handbook and notifies

families and stakeholders of student rights and the responsibilities relating to student conduct, including discipline rules.

ICEF administrators and teachers recognize that students and families have certain legal safeguards. All ICEF Schools provide due process for all students. Upon suspension or expulsion, all parents/guardians and students receive adequate notice regarding the grounds for suspension and expulsion and are informed of their due process rights and their rights to appeal. ICEF Public Schools will ensure that all policies and procedures regarding suspension and expulsion will be periodically reviewed, and modified as necessary, in order to conform to changes in state law.

Charter School shall ensure that all staff are knowledgeable about and complies with the District's Discipline Foundation Policy and/or current equivalent policy, as required by the Modified Consent Decree. ICEF Public Schools shall be responsible for the appropriate interim placement of students during and pending the completion of the Charter School student expulsion process and shall facilitate the post-expulsion placement of expelled students. Charter School shall document and implement the alternatives to suspension and expulsion that Charter School utilizes in response to attendance-related concerns, e.g. Truancy or excessive tardiness.

GROUNDS FOR IN-SCHOOL SUSPENSION, OUT-OF-SCHOOL SUSPENSION AND EXPULSION

A student may be suspended or expelled for prohibited misconduct, except for willful defiance, if the act is related to school activity or school attendance occurring at any time including but not limited to: a) while on school grounds; b) while going to or coming from school; c) during the lunch period, whether on or off the school campus; d) during, going to, or coming from a school-sponsored activity.

A single suspension may not be issued for more than 5 consecutive school days. The total number of days for which a student, including students with a 504 Plan, may be suspended from school shall not exceed 20 days. Students with an IEP shall not be suspended for more than 10 school days in any school year.

ENUMERATED OFFENSES

Discretionary Suspension Offenses: Students *may* be suspended for any of the following acts when it is determined the pupil:

- Caused, attempted to cause, or threatened to cause physical injury to another person.
- Willfully used force or violence upon the person of another, except self-defense.
- Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.
- Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid

substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.

- Committed or attempted to commit robbery or extortion.
- Caused or attempted to cause damage to school property or private property.
- Stole or attempted to steal school property or private property.
- Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
- Committed an obscene act or engaged in habitual profanity or vulgarity.
- Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- Knowingly received stolen school property or private property.
- Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.
- Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, "hazing" does not include athletic events or school-sanctioned events.
- Made terroristic threats against school officials and/or school property. For purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school property, or the personal property of the person threatened or his or her immediate family.

- Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student rights by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
 - "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
 - Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
 - Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
 - Causing a reasonable student to experience substantial interference with his or her academic performance.
 - Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
 - "Electronic Act" means the creation and transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
 - A message, text, sound, or image.
 - A post on a social network Internet Web site including, but not limited to:

- Posting to or creating a burn page. A “burn page” means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
- Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above. “Credible impersonation” means to knowingly and without consent impersonates a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
- Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
- Notwithstanding the subparagraphs above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
- A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1).
- Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Principal or Assistant Principal’s concurrence.

Non-Discretionary Suspension Offenses: Students *must* be suspended and may be recommended for expulsion for any of the following acts when it is determined the pupil:

- Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Principal or Assistant Principal’s concurrence.

Discretionary Expellable Offenses: Students *may* be recommended for expulsion for any of the following acts when it is determined the pupil:

- Caused, attempted to cause, or threatened to cause physical injury to another person.
- Willfully used force or violence upon the person of another, except self-defense.

- Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
- Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- Committed or attempted to commit robbery or extortion.
- Caused or attempted to cause damage to school property or private property.
- Stole or attempted to steal school property or private property.
- Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
- Committed an obscene act or engaged in habitual profanity or vulgarity.
- Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
- Knowingly received stolen school property or private property.
- Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.
- Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, "hazing," means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, "hazing" does not include athletic events or school-sanctioned events.
- Made terroristic threats against school officials and/or school property. For purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily

injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school property, or the personal property of the person threatened or his or her immediate family.

- Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student rights by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
 - "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
 - Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
 - Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
 - Causing a reasonable student to experience substantial interference with his or her academic performance.
 - Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.

- “Electronic Act” means the creation and transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
 - A message, text, sound, or image.
 - A post on a social network Internet Web site including, but not limited to:
 - Posting to or creating a burn page. A “burn page” means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
 - Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above. “Credible impersonation” means to knowingly and without consent impersonates a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed that the pupil was or is the pupil who was impersonated.
 - Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
 - Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
- A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1).
- Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Principal or Assistant Principal’s concurrence.

Non-Discretionary Expellable Offenses: Students *must* be recommended for expulsion for any of the following acts when it is determined pursuant to the procedures below that the pupil:

- Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Principal or Assistant Principal’s concurrence.

- Brandishing a knife at another person.
- Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
- Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.
- Possession of an explosive

If it is determined by the Board of Directors that a student has brought a fire arm or destructive device, as defined in Section 921 of Title 18 of the United States Code, on to campus or to have possessed a firearm or dangerous device on campus, the student shall be expelled for one year, pursuant to the Federal Gun Free Schools Act of 1994. In such instances, the pupil shall be provided due process rights of notice and a hearing as required in this policy.

The term “firearm” means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

The term “destructive device” means (A) any explosive, incendiary, or poison gas, including but not limited to: (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, or (vi) device similar to any of the devices described in the preceding clauses.

IN-SCHOOL SUSPENSION

For In-School suspension, the student remains on campus for the length of the suspension and receives academic support by a credentialed staff member for material related to all missed classes.

AUTHORITY TO SUSPEND AND EXPEL STUDENTS

In accordance with Education Code Sections 48900 et seq., the School Principal or Assistant Principal may suspend or recommend expulsion of a student if it is determined that the student committed any act(s) listed under the policy’s Grounds for Suspension or Expulsion. Suspension and/or expulsion of a student from school is allowed only if the act committed is related to school activity or school, occurring at any ICEF Public School or at any other school at any time including but not limited to: (a) while on school grounds; (b) while going to or coming from school; (c) during the lunch period, whether on or off the school campus; (d) during, going to, or coming from a school-sponsored activity.

A pupil may be expelled only by the action of the Administrative Hearing Panel.

SUSPENSION PROCEDURES

The School Principal or Assistant Principal may suspend a student from school for no more than five (5) consecutive school days. When suspension from school is imposed, the Principal or Assistant Principal will talk with the student regarding the reasons for suspension, and must give the student the opportunity to explain his or her actions. The Principal must make a reasonable effort to inform the parent or guardian immediately of the suspension. The Charter School shall notify the parent or guardian in writing of the suspension. A student may not be suspended for more than twenty (20) school days within the school year. Suspensions from class will not count towards the twenty (20) day limit.

Suspensions not followed by a recommendation for expulsion shall not exceed five (5) consecutive school days per suspension. All arrangements will be made to provide the student with classroom material and current assignments to be completed at home during the length of the suspension. When possible, suspended students will be given the opportunity to get classwork and homework before they leave campus. In the event that a suspension is extended pending an expulsion, work will be provided for the student and an alternative school placement may be considered on a case-by-case basis depending on factors which include the severity of the incident and potential to disrupt the learning environment.

Students may not be suspended in absentia. When a student has been arrested or has otherwise left the campus, s/he cannot be suspended unless s/he returns to school.

Suspensions shall be initiated according to the following procedures:

1. **Notification to Parent or Guardian**– At the time of the suspension, the School Principal, Assistant Principal or Office Manager shall make a reasonable effort to contact the parent/guardian by telephone or in person. The parent/guardian must participate in an Informal Conference and receive the Suspension paperwork.
2. **Informal Conference** - Once the parent/guardian is notified, s/he must participate in an informal conference with the School Principal or Assistant Principal to discuss details of the suspension, including the offense(s) committed or the school's Code of Conduct and the duration of the suspension. During this conference, the parent/guardian will receive the official suspension notification letter. The student will also receive classwork that must be completed during the time of suspension.
 - a. The conference may be omitted if the School Principal or Assistant Principal determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference. At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence

in his or her defense. This conference shall be held within two (2) school days, unless the pupil waives this right or is physically unable to attend for any reason, including, but not limited to incarceration or hospitalization. The conference shall then be held as soon as the pupil is physically able to return to school for the conference.

3. **Return to School Conference** – Upon returning to school, the School Principal or Assistant Principal must participate in an intake conference with the student and parent before s/he returns to class. During this conference, the School Principal or Assistant Principal reviews and reinforces the school's positive behavior expectations and Code of Conduct.

RIGHT TO APPEAL

All suspensions are decided by the School Principal and/or Assistant Principal and can be appealed to the Chief Academic Officer and Chief Schools Officer by written request (hand-delivery or email acceptable) within 24 hours of the suspension decision. Immediately following the request to appeal the suspension, the student and CAO/CSO will meet with the parent/guardian to hear their evidence as to why the student should not be suspended. Following the meeting, the CAO/CSO will determine whether to uphold the suspension or deny the suspension appeal. The parent/guardian and School Principal will be notified within 24 hours of the final decision.

APPEAL PROCEDURES

A parent may appeal a suspension if the parent disagrees or feels that the suspension is not justifiable. When issuing a suspension of any type, the principal shall, along with the Pupil Suspension Notice, provide the "Student Suspension Appeal Form" with instructions to the parent.

A. School Suspension and In-School Suspension

The appeal for school suspension and in-school suspension shall be handled by the Chief Schools Officer and Chief Academic Officer. These suspensions can be rescinded only through an appeal process at the Home Office level, not at the school site level. If after the suspension conference, the parent still feels that the suspension is not justifiable and wishes to appeal the principal's decision, the parent may request a suspension appeal and submit the paperwork to the Chief Schools Officer and Chief Academic Officer. The appeal may only be submitted from the day of suspension to five (5) school days following the last day of the student's suspension. The principal shall advise the parent of the following appeal process:

1. Within five (5) school days following the last day of the student's suspension, the parent shall submit to the CAO/CSO or designee the suspension appeal packet including:
 - a) The "Student Suspension Appeal Form" with a clear description of the complaint

- b) The initial suspension documents
 - c) The supporting evidence for the appeal
2. Within five (5) school days of receiving the appeal packet from the parent, the CAO/CSO or designee shall form a Suspension Appeal Committee of certificated member(s) and conduct the suspension appeal review, during which the Committee shall review the documents submitted by the school and the parent.
 3. Within three (3) school days of the review, the Chief Schools Officer and Chief Academic Officer will notify the parent in writing of the Committee's decision. The results of the appeal may include, but are not limited to:
 - a) Uphold the suspension in all respects.
 - b) Modify the suspension imposed (e.g., reduce suspension duration, if possible).
 - c) Overturn the suspension and expunge the suspension from the student's records.

The decision of the Suspension Appeal Committee is organizations final decision and may not be further appealed. Parents may submit written objections to the appeal decision, which shall be included in the student's "Cumulative Folder."

Note: If the parent files appeal for the school suspension while the student is undergoing an expulsion process, the Chief School Officer and Chief Academic Officer shall process the appeal in concurrence with the expulsion process.

B. Class Suspension

A parent may appeal the class suspension by teacher to the school principal, using the same Student Suspension Appeal Form by checking the appropriate checkbox. The appeal form must be submitted from the day of suspension to three (3) school days following the last day of the suspension. The principal shall hold an appeal conference with the parent within three (3) school days of the submission of appeal to discuss the matter. The final decision shall be made and provided to the parent in writing also within three (3) school days after the appeal conference. The parent may be present, if it is so requested.

If the appeal is upheld, the principal shall document the appeal and make change of student records in ISI. Parents may not further appeal; however, they may submit written objections to the appeal decision, which shall be included in the student's "Cumulative Folder" if the parent so requests.



ICEF Public Schools
Excellence for All

**ICEF PUBLIC SCHOOLS
STUDENT SUSPENSION APPEAL FORM**

School Suspension

Class Suspension

In-School Suspension

Date: _____/_____/_____

Student Name: _____

DOB: _____/_____/_____

Address: _____

Parent/Guardian Name: _____

Phone # _____ Cell/Work # _____

School of Attendance: _____ Date of Suspension: _____

Reason for Suspension: _____

I request to be present at the appeal review conference.

I request not to be present at the appeal review conference.

REASON FOR APPEAL

* Please attach additional sheet(s) if necessary.

Parent/Guardian Signature _____

-----**Office Use Only**-----

Received by: _____

Name

Title

Date: _____



INSTRUCTIONS

Student Suspension Appeal Form:

- Fill out the *Student Suspension Appeal Form* appropriately.
- Describe the reason of appeal clearly and attach additional sheet(s) if necessary.
- Attach the *Pupil Suspension Notice*.
- Attach any supporting evidence or additional documents.

Timelines

- To appeal a school suspension or in-school suspension, the parent shall submit the completed *Student Suspension Appeal Form* and attachments to the area Chief School Officer and Chief Academic Officer no later than five (5) school days after the last day of suspension.
- For school suspension and in-school suspension appeals, the Administrator of Operations shall form a Suspension Appeal Committee and conduct a suspension appeal review within five (5) school days of the submission of appeal.
- To appeal a class suspension, the parent shall submit the completed *Student Suspension Appeal Form* and attachments to the school Principal within three (3) school days of the issuance of the class suspension.
- For class suspension appeal, the principal shall hold an appeal review conference within three (3) school days of the submission of appeal.
- The Administrator of Operations or the principal shall notify the parent in writing of the decision of the appeal within three (3) school days of the appeal conference.

Outcomes

- **School and In-School Suspension:** The appeal decision made by the Chief School Officer and Chief Academic Officer is final and may not be further appealed. The results shall be documented in the organizations Student Information System (SIS) and kept as student records.

- **Class Suspension:** The appeal decision made by the Principal is final and may not be further appealed. The results shall be documented in the Organizations Student Information System (SIS) and kept as student records.

- Parents may submit a written objection to the final decision; however, no further appeal action will be taken. The written objection will be kept in the student's discipline file if the parent so requests.



**FORMULARIO DE APELACIÓN
DE SUSPENSIÓN DEL ESTUDIANTE**

Suspensión de escuela Suspensión de clase Suspensión dentro de escuela

Fecha: _____/_____/_____

Nombre del alumno: _____ Fecha de nacimiento: ____/____/_____

Dirección: _____

Nombre del padre o tutor: _____

Teléfono # _____ Celular/Trabajo # _____

Escuela a la que asiste: _____ Fecha de la suspensión: _____

Motivo de la suspensión: _____

Solicito estar presente en la audiencia de revisión de la apelación.

Solicito no estar presente en la audiencia de revisión de la apelación.

MOTIVO DE LA APELACIÓN

[Empty rectangular box for stamp or signature]

* Favor de adjuntar hoja(s) adicional(es) si es necesario.

Firma del padre o tutor _____

-----**Sólo para uso oficial**-----

Recibido por: _____ Fecha: _____
Nombre Título

INSTRUCCIONES

Formulario de Apelación de Suspensión del Estudiante:

- Llene correctamente el *Formulario de Apelación de Suspensión del Estudiante*.
- Describa claramente el motivo de la apelación y anexe hoja(s) adicional(es), si es necesario.
- Anexe la *Notificación de Suspensión del Alumno*.
- Anexe cualquier prueba fehaciente o documentos adicionales que corroboren su posición.

Plazos

- Para apelar una suspensión de la escuela o una suspensión dentro de la escuela, los padres deberán llenar y presentar el *Formulario de Apelación de Suspensión del Estudiante* y los anexos Chief School Officer o Chief Academic Officer a más tardar cinco (5) días escolares después del último día de la suspensión.
- Para las apelaciones de la suspensión de la escuela y la suspensión dentro de la escuela, Chief School Officer o Chief Academic Officer formará un Comité de Apelaciones de Suspensión y deberá llevar a cabo una revisión de la apelación de la suspensión dentro de cinco (5) días escolares a partir de que se presente la apelación.
- Para apelar una suspensión de la clase, los padres deberán llenar y presentar el *Formulario de Apelación de Suspensión del Estudiante* y los anexos al (a la) Director(a) de la escuela dentro de tres (3) días escolares a partir del momento en el que se le suspenda al alumno de la clase.
- Para una apelación de la suspensión de la clase, el(la) Director(a) deberá llevar a cabo una audiencia de revisión de apelación dentro de tres (3) días escolares a partir del momento en el que se haya presentado la apelación.
- El/(La) Chief School Officer o Chief Academic Officer o el(la) Director(a) notificarán por escrito a los padres sobre la decisión de la apelación dentro de un período de tres (3) días escolares a partir de la audiencia de apelación.

Resultados

- **Suspensión dentro de la Escuela y Suspensión de la Escuela:** La decisión de la apelación hecha por el(la) Chief School Officer o Chief Academic Officer es definitiva y no se puede

apelar más. Los resultados deben ser documentados en el Sistema de Información del Estudiante (SIS) y se deberá guardar con los registros del estudiante.

- **Suspensión de la Clase:** La decisión de la apelación hecha por el(la) director(a) es definitiva y no se puede apelar más. Los resultados deben ser documentados en el Sistema de Información del Estudiante (SIS) y se deberá guardar con los registros del estudiante.

- Los padres pueden presentar una objeción por escrito a la decisión final; sin embargo no se tomará ninguna acción adicional de apelación. La objeción por escrito se guardará en el expediente de disciplina del estudiante si el padre o la madre lo solicitan.

EXPULSION PROCEDURES

Expulsion is the removal of a student from the school and from the immediate supervision and control or the general supervision of school personnel. The expulsion shall be enforced and the student be referred to their local school district in accordance with the Ed. Code.

❓ **Level 1: Mandatory Expellable Offense with No School Administration Discretion**

School Directors will immediately suspend and recommend for expulsion any student who commits a “Non-Discretionary Expellable Offense” listed above (also listed in Attachment B: Conditions for Student Expulsion Recommendation) while on campus or while attending a school sponsored event, including but not limited to athletic events, school plays and school dances:

❓ **Level 2: Offenses Subject to Limited School Administration Discretion**

The School Director shall recommend a student’s expulsion if he or she determines that the student committed a “Non-Discretionary Suspension Offense” listed above (also listed in Attachment B: Conditions for Student Expulsion Recommendation) at school or at a school activity off school grounds unless the Principal also determines that expulsion is inappropriate due to the particular circumstance. *Note:* Serious physical injury is defined as “injury that requires substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted or impairment of function of a bodily member, organ, or mental faculty.”

❓ **Level 3: Offenses Subject to Broad School Administration’s Discretion**

The School Board has maximum discretion to recommend or not recommend expulsion when s/he determines that a student has committed a “Discretionary Suspension Offense” (also listed in Attachment B: Conditions for Student Expulsion Recommendation) 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.

To expel students for any expellable offense listed above (also listed under Levels 2 and 3 of Attachment B), the School Board must provide evidence of 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 pupils or others.

EXPULSION PROCEDURES

Expulsion shall be initiated according to the following procedures:

1. **Notification to Parent or Guardian**– At the time of the recommendation for expulsion, the student is placed on suspension until the time of the expulsion hearing. The School Principal, Assistant Principal or Office Manager shall make a reasonable effort to contact the parent/guardian by telephone or in person. The parent/guardian must participate in an Informal Conference.

2. **Informal Conference** - Once the parent/guardian is notified, s/he must participate in an informal conference with the School Principal or Assistant Principal to discuss details of the recommendation for expulsion, including the offenses(s) committed or the school's Code of Conduct. The student is placed on suspension until the time of the expulsion hearing. The student will receive classwork that must be completed during the time of suspension.
 - a. The conference may be omitted if the School Principal or Assistant Principal determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference. At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense. This conference shall be held within two (2) school days, unless the pupil waives this right or is physically unable to attend for any reason, including, but not limited to incarceration or hospitalization. The conference shall then be held as soon as the pupil is physically able to return to school for the conference.
3. **Request for Expulsion to Director of Equity and School Climate**— Once the Principal concludes the investigation of the behaviors warranting expulsion, s/he submit the recommendation for expulsion to the Chief Academic Officer and Chief Schools Officer. The CAO/CSO reviews the documentation with the School Principal and determines whether an expulsion hearing is warranted or if the suspension is a sufficient consequence. The School Principal will follow up with the parent/guardian with regarding Notification for the Expulsion Hearing or a Return to School Suspension Conference.
4. **Notification for Expulsion Hearing** – Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least ten (10) calendar days before the date of the hearing. The notice shall include the following:
 - a. The date and place of the hearing;
 - b. A statement of the specific facts, charge(s) and offense(s) upon which the recommended expulsion is based;
 - c. A copy of disciplinary rules which relate to the alleged violation;
 - d. Notification of the student's or parent/guardian's obligation to provide information about the student's status to any other district in which the student seeks enrollment
 - e. A statement that parent/guardians may file an appeal request for any expulsion decision within seven (7) calendar days of the rendering expulsion decision by the Administrative Expulsion Panel;
 - f. A statement that school will provide to the student and parent adequate notice of the issuance of an expulsion recommendation and notice of the hearing, including information regarding reasonable accommodations and language support, special rules and procedures for incidents involving sexual assault, presentation and cross-examination of witnesses and other evidence, representation by counsel or other advocate, and other due process protections and rights;

- g. An explanation of the parent/guardian's rights at the expulsion hearing, which includes the ability to ask questions, question witnesses and evidence, inspect and obtain copies of documents to be used at the hearing, and be represented by counsel or a non-attorney advisor.

INTERIM PLACEMENT

Students engaged in the expulsion or appeal process are considered suspended pending completion of the process. Due to the potential hardship on the student's family and potential academic strain placed on the student, families are encouraged to act quickly in order to for student to miss the least amount of school possible given the circumstances. Students who are on suspension pending expulsion must receive and complete schoolwork to continue academic progress.

THE EXPULSION HEARING

Education Code 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. An Administrative Hearing Panel (AHP) hearing is conducted for each student recommended for expulsion. 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.

Following the Principal's recommendation for expulsion, a three member AHP will meet to review the charges, hear evidence, ensure student's due process rights are maintained, hear and evaluate testimony, and render a decision on the case. The AHP will consist of three (3) impartial certificated administrative ICEF team members and will be selected by the Chief Academic Officer and /or Chief Schools Ofifcer.

Parents/guardians have the right to appear in person or be represented by legal counsel or by a non-attorney adviser. Parents/guardians have the right to present oral and documentary evidence on the student's behalf, including witnesses.

The panel shall conduct a hearing to consider the expulsion of a student in a session closed to the public unless waived by student and parents/guardians.

The parent may inspect and obtain copies of all documents to be used.

During the hearing, parents have the right to confront and question witnesses who testify at the hearing and to question all other evidence presented.

A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as reasonably accurate and complete written transcription of the proceedings can be made.

Within three (3) school days after the conclusion of the hearing, the AHP shall decide whether to expel the student.

PRESENTATION OF EVIDENCE

A decision to expel a student by the Administrative Hearing Panel must be supported by substantial evidence that the student committed any of the expellable offenses listed above (also listed in "Attachment A: Grounds for Suspension and Expulsion"). Findings of fact shall be based solely on the evidence at the hearing. While no evidence shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses of whom the School Principal determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm and are exceptions to hearsay. While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs.

1. ADMINISTRATIVE HEARING PANEL REPORT/DECISION

In reaching their conclusion, the AHP will consider (1) Campus safety; (2) severity of incident; (3) the student's history of discipline; (4) potential disruption of learning environment; (5) deterrence. Following the presentation of facts and witness statements during the hearing, the AHP may reach any of the following conclusions:

Reject the Charter School Principal's Recommendation of Expulsion: Following a full rejection of the School Principal's recommendation, the student may return to his/her school.

Reject the School Principal's Recommendation of Expulsion with Conditions: Following rejection of the Charter School Principal's recommendation of expulsion, student will return to school with condition regarding his/her return, which may include a Behavior Plan. The Administrative Hearing Panel is responsible for determining the conditions of return and creating a reasonable behavior plan that is related in nature to the expellable offense. The student may also be given the opportunity to transfer to another ICEF school if there is no waitlist and space available with the mutual agreement of the parent/guardian and the other ICEF school. Should either party disagree, or if space is unavailable due to a waitlist, the student returns to his/her school.

Support the School Principal's Recommendation of Expulsion: Student is expelled from the school, unless expulsion appeal is filed

WRITTEN NOTICE TO STUDENT'S PARENTS

The School Principal, following the determination to expel from the Administrative Hearing Panel, shall send written notice of the decision to expel to the student's parent/guardian.

This notice shall include the following:

1. The specific offense committed by the student
2. Notice of the student's or parent/guardian's obligation to inform any new receiving school of the student's exit status from ICEF Public Schools

3. A statement that parents may appeal the decision of the panel by emailing written a request by via email to ICEF Public Schools or by submitting a written request to ICEF Public Schools, Executive Team, 3855 W. Slauson Ave Los Angeles, CA 90043.
4. A statement explaining the expelled student's rehabilitation plan as created by the Administrative Hearing Panel and the date the student is eligible for reinstatement, as well as informing the parent of their responsibility to submit records/documents to prove the student's compliance with the rehabilitation plan and request reinstatement. ICEF will facilitate possible placements following expulsion, but it is the student/family's responsibility to enroll the student in a new school. The CAO and/or CSO will provide copies of the student's record to the parents and student's new placement upon request.

SPECIAL PROCEDURES FOR EXPULSION HEARINGS INVOLVING SEXUAL ASSAULT OR BATTERY OFFENSES

The Charter School may, upon finding a good cause, determine that the disclosure of either the identity of the complaining witness or the testimony of that complaining witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the complaining witness may be presented at the hearing in the form of sworn declarations which shall be examined only by the Administrative Hearing Panel or Appeals Panel. Copies of these sworn declarations, edited to delete the name and identity of the complaining witness, shall be made available to the pupil.

1. The complaining witness in any sexual assault or battery case shall be provided with a copy of the applicable disciplinary rules and advised of his/her right to (a) receive five days' notice of his/her scheduled testimony, (b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent, guardian, or legal counsel or non-attorney advocate, and (c) elect to have the hearing closed while testifying.
2. The Charter School must also provide the complaining witness a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.
3. At the discretion of the Administrative Panel, the complaining witness shall be allowed periods of relief from examination and cross-examination during which he or she may leave the hearing room.
4. The Administrative Panel may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.
5. The Administrative Panel may also limit time for taking the testimony of the complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.

6. Prior to a complaining witness testifying, the support persons shall be admonished that the hearing is confidential. Nothing in the law precludes the person presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The Administrative Panel may permit any one of the support persons for the complaining witness to accompany him or her to the witness stand.
7. If one or both of the support persons is also a witness, the Charter School must present evidence that the witness' presence is both desired by the witness and will be helpful to the Charter School. The person presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising his or her discretion to remove a person from the hearing whom he or she believes is prompting, swaying, or influencing the witness.
8. The testimony of the support person shall be presented before the testimony of the complaining witness and the complaining witness shall be excluded from the hearing during that testimony.
9. If the hearing is to be conducted in the public at the request of the pupil being expelled, the complaining witness shall have the right to have his/her testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are not alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing by means of closed-circuit television.
10. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the AHP member conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstances can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person or non-attorney advocate. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

SPECIAL PROCEDURES FOR THE CONSIDERATION OF SUSPENSION AND EXPULSION OF STUDENTS WITH DISABILITIES

The Charter School shall immediately notify the SELPA and coordinate the procedures in this policy with the SELPA of the discipline of any student with a disability or student who the Charter School or SELPA would be deemed to have knowledge that the student had a disability.

In addition to the procedures described above, when suspensions are being considered for students with disabilities receiving special education services, the school staff must first review the implementation of the current Individualized Education Program (IEP). If the student's IEP also includes a Behavior Intervention Plan (BIP) or Behavior Support Plan (BSP), school staff must review its implementation, progress monitoring information as well as information of services tracked in Welligent or SEIS.

A suspension procedure does not apply when the student's Individualized Education Program (IEP) contains procedures or other disciplinary techniques which are to the contrary of what was applied when the suspension is in question.

At this point, the following procedures will apply:

A. Before any suspension: There will be an informal conference with the student. At this conference, the principal or assistant principal should conduct an informal conference with the student to inform them of the following: a). reason(s) for disciplinary action, b). opportunity to respond to charge(s), and c). present a defense. In addition, the principal or assistant principal shall encourage the student to write a statement concerning the alleged misconduct, with a signature and date. Please remember, not all students are able to write legibly or may be stronger at verbally articulating events. Either way is fine, but please ensure a statement is collected.

B). After a suspension: The school's discipline team must hold a meeting after each suspension for students with disabilities to review the following:

- i). Evaluate the severity of the misconduct and determine whether there are interventions that can be used that do not require an IEP meeting.
- ii). Determine whether the implementation of the current BIP or BSP needs to be modified. If so, an IEP meeting should be held to develop or revise the BSP or BIP to prevent the misconduct from occurring again.

Additionally, if the student has been suspended twice, or the total days of suspension have accumulated to 5, 8, or 10 school days, an IEP meeting must be convened upon the student's return to school to determine appropriate services/placement. During the meeting, the IEP team should review, develop, or modify the student's entire program including academic and behavioral intervention plans used with the student in an effort to prevent the recurrence of the misconduct.

If the behavior that occurred meets the definition of a "serious offense," the school Psychologist must participate in the IEP meeting to determine the most appropriate behavioral assessment. A Functional Behavior Assessment (FBA) is appropriate in the following circumstances:

A). School authorities seek to change placement of a child with a disability because of a violation of a code of student conduct **and** the IEP team determines that the conduct was a manifestation of the child's disability **and** the LEA had not conducted an FBA prior to such determination before the behavior that resulted in the change of placement.

B). Must be conducted "as appropriate" in cases of disciplinary removals involving a change in placement in which the IEP team determines the conduct **was not** a manifestation of the child's disability.

C). When the IEP team determines that it would be appropriate for the child.

D). Additionally, if there is a new behavior that resulted in a physical intervention, an IEP meeting must be held within two days of the emergency intervention and Behavior Emergency Report (BER) to determine the necessity for a Functional Behavior Assessment (FBA) and determine the necessity for an interim plan.

If the number of cumulative days of suspension approaches ten (10) school days, the IEP team shall hold an IEP meeting to conduct a manifestation determination analysis. The analysis by the IEP team shall include discussion and documentation of the misconduct and relationship between the misconduct and the student's disability to determine:

- a. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- b. If the conduct in question was the direct result of the local educational agency's failure to implement the IEP.

If the answer is yes to any of the above questions and the Charter School, the parent, and members of the IEP team determine that either of the above is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability and the team shall address the behavior through implementing behavior interventions, additional assessments and/or changes in the students' IEP. Please see the teams additional next steps below:

- a. Conduct a functional behavioral assessment and implement a behavioral intervention plan for such child, provided that the Charter School had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;
- b. If a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and
- c. Return the child to the placement from which the child was removed, unless the parent and the Charter School agree to a change of placement as part of the modification of the behavioral intervention plan and additional changes in the IEP.

If the answer is no to both questions above and the Charter School, the parent, and IEP team members determine that the behavior was not a manifestation of the student's disability and that the conduct in question was not a result of the failure to implement the IEP, then the Charter School may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities, however, the school should continue to support and guide the student throughout the implementation of all of the services required in their IEP.

Charter School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct.

The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or the Charter School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request an expedited administrative hearing through the Department or by utilizing the dispute provisions of the 504 Policy and Procedures. If the child is already in an alternative placement, please see the information below.

The School Principal may remove a student to an interim alternative educational setting for not more than forty-five (45) days without regard to whether the behavior is determined to be a manifestation of the student's disability in cases where a student:

- a. Carries or possesses a weapon, as defined in 18 USC 930, to or at school, on school premises, or to or at a school function;
- b. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or
- c. Has inflicted serious bodily injury, as defined by 20 USC 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.

The student's interim alternative educational setting shall be determined by the student's IEP Team. Furthermore, when an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or the Charter School, the hearing officer shall determine whether the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, whichever occurs first, unless the parent and the Charter School agree otherwise.

A student who has not been identified as an individual with disabilities pursuant to IDEA and who has violated the Charter School's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the Charter School had knowledge that the student was disabled before the behavior occurred. The Charter School shall be deemed to have knowledge that the student had a disability if one of the following conditions exists:

- a. The parent/guardian has expressed concern in writing, or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement, to Charter School supervisory or administrative personnel, or to one of the child's teachers, that the student is in need of special education or related services.
- b. The parent has requested an evaluation of the child.
- c. The child's teacher, or other Charter School personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the Director of special education or to other Charter School supervisory personnel.

If the Charter School knew or should have known the student had a disability under any of the three (3) circumstances described above, the student may assert any of the protections available to IDEA-eligible children with disabilities, including the right to stay-put.

If the Charter School had no basis for knowledge of the student's disability, it shall proceed with the proposed discipline. The Charter School shall conduct an expedited evaluation if requested by the parents; however the student shall remain in the education placement determined by the Charter School pending the results of the evaluation.

The Charter School shall not be deemed to have knowledge that the student had a disability if the parent has not allowed an evaluation, refused services, or if the student has been evaluated and determined to not be eligible.

Information retrieved from LAUSD Bulletin 5655.2, CDE, and LRP.

SPECIAL PROCEDURES FOR THE CONSIDERATION OF SUSPENSION AND EXPULSION OF STUDENTS RECEIVING SECTION 504 PLAN SERVICES

A student who has a Section 504 Plan shall be afforded the same protections as in the Section 504 law which are described below:

- A). A student who has 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, in a Section 504 Link Determination Meeting, first determines the following:
 - a. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
 - b. If the conduct in question was the direct result of the local educational agency's failure to implement the Section 504.
- B). If the Section 504 Team determines that the answer to both above questions is no, then the school may suspend the student in the same manner as it would a student without a disability.

C). If the Section 504 Team determines that the answer is yes to any of the above questions above, the Section 504 Team should consider revising the students Section 504 Plan and/or reviewing implementation strategies. This may include updating the accommodations and/or revising or developing a Section 504 Behavior Support Plan.

D). Suspensions totaling fewer than 10 days in a school year may be affected without holding a Section 504 Team Meeting. However, a noted pattern of misbehaviors may determine that a Section 504 Team meeting is needed to review and potentially modify the current Section 504 Plan, including developing a behavioral support plan.

Information retried from LAUSD Bulletin 5655.2, CDE, and LRP.

EXPULSION APPEALS

Pursuant to E.C. Section 48919, any student expelled by the ICEF Public School may, within thirty (30) days following the decision to expel, file an appeal. Parents may appeal the decision of the AEP emailing ExpulsionAppeals@icefps.org or submitting a written request to ICEF Public Schools, Attention: Chief Academic Officer and Chief Schools Officer, 3855 W. Slauson, Los Angeles, CA, 90043.

Families have up to thirty (30) calendar days to file an appeal; however, we encourage families to file appeals as soon as possible due to the strain and hardship on the student and the Charter School of missing class time. The student is considered suspended until a meeting is convened to hear the appeal, within ten (10) working days of receipt of the appeal request. The Appeals Panel will be selected by the CAO and/or CSO and consists of three (3) impartial certificated administrative ICEF Team Members who were not part of the AHP. During the appeal hearing, the student/parent is allowed to present evidence under the same guidelines as the original hearing. The decision of the Appeals Panel will be communicated in writing to the student and parent no more than three (3) working days following the Appeals Hearing. The decision of the Appeals Panel is final.

Written Notice to Student's Home District

Upon expelling any student, ICEF Public Schools shall notify the Charter Division (LAUSD) by submitting an expulsion packet to the CSD immediately or as soon as practicable, which shall contain:

- Completed "Notification of Charter School Expulsion" [form available from the CSD website or office], including attachments as required on the form.
- Documentation of the expulsion proceeding, including statement of specific facts supporting the expulsion and documentation that ICEF's policies and procedures were followed.
- Copy of parental notice of expulsion hearing.
- Copy of expulsion notice provided to parent stating reason for expulsion, term of expulsion, rehabilitation plan, and reinstatement notice with eligibility date and instruction for providing proof of students compliance for reinstatement, appeal process,

and options for enrollment.

- If the student is eligible for Special Education, documentation related to expulsion in compliance with IDEA and the MCD, including the Expulsion Analysis page of the pre-expulsion IEP.
- If the student is eligible for Section 504 accommodation, documentation that Charter School conducted a Link Determination meeting to address two questions:
 1. Was the misconduct caused by, or directly and substantially related to the student's disability?
 2. Was the misconduct a direct result of ICEF's failure to implement a 504 Plan?

Notwithstanding the documentation sent to the Charter Schools Division as indicated above, if the student is a resident of a school district other than LAUSD, ICEF Public Schools must notify the Superintendent of the student's district of residence within thirty (30) days of the expulsion. Additionally, upon request of the receiving school district, ICEF Public Schools shall forward Student records no later than ten (10) school days from the date of the request as stated in Education Code 49068 (a) and (b).

EXPELLED PUPILS/ ALTERNATIVE EDUCATION

In the event of a decision to expel a student from VPPA, Charter School will work cooperatively with the district of residence, county, other ICEF schools, and/or private schools to assist with the appropriate educational placement of the student who has been expelled. Any incident of violent and/or serious student behavior will be communicated to the district/school to which the student matriculates.

Rehabilitation Plans for Expelled Students

Pupils who are expelled from ICEF Public Schools shall be given a rehabilitation plan upon expulsion as developed by ICEF Public Schools' governing board at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. Terms of expulsion should be reasonable and fair with the weight of the expelling offense taken into consideration when determining the length of the expulsion. Therefore, the rehabilitation plan should include a date not later than one (1) year from the date of expulsion when the pupil may apply to ICEF Public Schools for readmission. ICEF Public School shall inform parents in writing of its processes for reinstatement and applying for expungement of the expulsion record.

Readmission

ICEF's governing board shall adopt rules establishing a procedure for the filing and processing of requests for readmission and the process for the required review of all expelled pupils for readmission. Upon completion for the readmission process, ICEF's governing board shall readmit the pupil; unless ICEF's governing board makes a finding that the pupil has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety. A description of the procedures shall be made available to the pupil and the pupil's parent or guardian at the time

the expulsion order is entered and the decision of the governing board, including any related findings, must be provided to the pupil's parent/guardian within a reasonable time.

Student or parent/guardian may petition for readmission into an ICEF Public School, one calendar year from the date of the incident, which resulted in the student's expulsion from ICEF Public Schools. Petitions to readmit an expelled student must be approved or disapproved by the Administrative Expulsion Panel (AEP) within three (3) days of submission. ICEF Public Schools is responsible for reinstating the student upon the conclusion of the expulsion period. The pupils readmission is also contingent upon ICEF Public Schools' capacity at the time the student seeks readmission.

Reinstatement

An expelled student may be reinstated at the conclusion of a year if he/she meets with the AEP and the findings prove that the student has successfully completed the rehabilitation plan. Once a student has completed all of the requirements for the plan a hearing may be scheduled before the AEP at which time evidence will be reviewed. Within three (3) days of the hearing the panel will notify the parent and school administrator of their decision.

Disciplinary Records

ICEF Public Schools shall maintain records of all suspensions and expulsions of ICEF Public Schools pupils. Such records shall be made available for District review upon request.

Reporting Student Offenses To Law Enforcement

Consistent with Education Code Section 48902, excluding the penalty provisions of that statute, the school administrator shall notify the local law enforcement authorities if it is reasonably suspected that the student committed any of the following acts:

- Assault with a deadly weapon.
- 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.
- Possession of a firearm(s) at a public school.
- Possession of a dirk, dagger, ice pick, knife having a fixed blade longer than 2 ½ 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 sport marker upon the grounds of any school within a K-12 school district.

Gun Free Schools Act

ICEF Public Schools shall comply with federal Gun Free Schools Act.

Related Sources

California Education Code Section 48900 et seq.

Manifestation Determination Form

<u>Student:</u> _____	<u>Date of Birth:</u> _____	<u>Grade:</u> _____
<u>Student ID:</u> _____	<u>School:</u> _____	<u>Date of Incident:</u> _____
<u>Meeting Date:</u> _____	<u>Notification Date:</u> _____	

Review:

1). Sources of Information (Check all that were Reviewed):

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> IEP | <input type="checkbox"/> BIP | <input type="checkbox"/> Discipline Report | <input type="checkbox"/> Assessments/Evaluations |
| <input type="checkbox"/> Teacher Observations | <input type="checkbox"/> Medical Information | <input type="checkbox"/> 504 Plan/IEP | <input type="checkbox"/> FBA |

2). Discipline Action History

Number of In-School Suspensions:	Total # of Days:
Number of Out-of-School Suspensions/Expulsions:	Total # of Days:

3). Describe the Conduct Violation:

4). Describe the District Policy Concerning the Behavior:

5). Does the proposed disciplinary action constitute a change of placement?

(i.e., a suspension over 10 consecutive days or a series of suspensions totaling more than 10 school days in one school year)

- 6). Has the student had other manifestation determinations this year?** Yes No

a). If yes, list dates and findings:

7). Was the behavior in question an isolated incident or a reoccurring pattern?

- 8). Does the student have a Behavior Intervention Plan (BIP)?** Yes No

If yes, please answer the following questions:

i). Have the services/interventions consistent with the BIP been provided? Yes No

ii). Does the plan need revision? Yes No

9). Students Disability:

a). Is there any pertinent medical or other diagnosis to consider? Yes No

b). Is there a current evaluation open? Yes No

i). If yes, suspected disability/purpose of evaluation:

MANIFESTATION DETERMINATION

A. Was the conduct in question caused by the student's disability or had a direct and substantial relationship to the student's disability? Yes No

B. Was the conduct in question a direct result of the school's failure to implement the student's IEP or 504 plan? Yes No
 (If yes, the LEA must take immediate steps to ensure that all services set forth in the child's IEP are provided, consistent with the child's needs as identified in the IEP)

Is the conduct in question a manifestation of the student's disability? Yes No

(If either a or b is yes, the conduct in question is considered a manifestation of the student's disability and the student must be returned to the placement from which he or she was removed as part of the disciplinary action, with two exceptions: if the behavioral infraction involved special circumstances (see link below for more information); or if the parents and LEA agree to change the child's placement as part of the modification of the BIP. The team should conduct a FBA and create a BIP, unless one has been recently completed examining similar conduct. In such cases, consider if any revisions need to be made to the BIP.)

If all questions are answered, no, the conduct is not a manifestation and the student may be disciplined in a manner consistent with his or her non-disabled peers; however, the student must continue to receive FAPE (the student must have access, in another setting, to special education services and access to the general education curriculum during the course of the suspensions/ expulsion).

*Refer to: <http://www.parentcenterhub.org/manifestation/> and http://www.parentcenterhub.org/discipline_regs/ for more information

SIGNATURES

Role: Print Name	Signature	Agree	Disagree	Date
Parent/Guardian:				
General Education Teacher:				
Special Education Teacher:				
School Admin/LEA Designee:				

Student (18 or Older):				
School Psychologist:				
Other:				

The Notice of Procedural Safeguards was Given and Explained to the Parent(s)/Guardian(s):

Yes No

Date Reviewed: _____ Signature of Person Explaining Rights: _____

If Applicable:

I give permission for a Functional Behavior Assessment to be conducted to help develop a Behavior Intervention Plan:

Yes No

Parent(s) Signature(s): _____