



STUDENT SUSPENSION AND EXPULSION POLICY AND PROCEDURES

EFFECTIVE DATE: January 7, 2014

PURPOSE: To establish a standardize ICEF policy and procedures regarding the appropriate handling of student suspension and expulsion, in order to ensure compliance with legal mandates and student's rights to due process.

AUTHORITY TO SUSPEND AND EXPEL STUDENT: In accordance with Education Code Sections 48900 et seq., the director of the school may suspend or recommend expulsion of a student if it is determined that the student committed any act(s) listed under Attachment A: 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. Pursuant Education Code sections 48918(j), a pupil may be expelled only by action of the ICEF's Board of Directors in a public session.

POLICY STATEMENT: At ICEF Public Schools the behavior program will be positive and proactive. The entire staff at ICEF Public Schools will be expected to praise and reward appropriate behavior. The goal of ICEF Public Schools will be to teach students to have self-respect, respect for others, responsibility for his or her actions and positive social interactions.

Every ICEF Public Schools student will be 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. ICEF Public Schools will develop and approve a Parent and Student Handbook at the beginning of each school year with input from all stakeholders that addresses acceptable standards of behavior and specific consequences for student conduct. Parents or guardians will be notified at the beginning of each school year of school discipline rules, student rights and the responsibilities relating to student conduct.

In effecting discipline, teachers and administrators must recognize that students and their parent have certain legal safeguards. ICEF Public Schools shall provide due process for all students, including adequate notice to parents/guardians and students regarding the grounds for suspension and expulsion and their due process rights regarding suspension and expulsion, including rights to appeal. ICEF Public Schools shall ensure that its policies and procedures regarding suspension and expulsion will be periodically reviewed, and modified as necessary, in order to conform to changes in state law.

ICEF Public Schools shall ensure that its staff is 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 ICEF Public Schools' student expulsion process and shall facilitate the post-expulsion placement of expelled students. ICEF Public Schools shall document and implement the alternatives to suspension and expulsion that ICEF Public Schools utilizes in response to attendance-related concerns, e.g. Truancy or excessive tardiness.

**TYPE OF
SUSPENSION:**

Suspension is the removal, from ongoing instruction for adjustment purposes. There are three types of suspension:

1. Suspension from Class: A teacher who suspends a student from his or her class must immediately report the suspension to the director (or the director's designee) and send the student to the office. The student may only be kept out of class for the balance of the day. During the period of suspension, a student may not be returned to the class from which he or she was suspended without the concurrence of the director and the teacher who imposed the suspension. A teacher may require the student to complete all tests and assignments the student missed during the period of suspension. The parent or guardian will be notified immediately of the out of class suspension.
2. Suspension from School: The director or director's designee may suspend a student from school for no more than five (5) consecutive school days. When suspension from school is imposed, the director or director's designee will talk with the student regarding the reasons for suspension, and must give the student the opportunity to explain his or her actions. The director must make a reasonable effort to inform the parent or guardian immediately of the suspension. The school must also 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.
3. Alternative to Suspension: Students may be suspended from one class or all classes and still remain in school during the period of suspension if he or she is appropriately supervised. This program will offer students self-management and social skills training, in addition to academic support. Students who successfully complete the program will not reflect a suspension from school on their attendance record unless the student is pending expulsion.

**SUSPENSION
PROCEDURES:**

Suspensions shall be initiated according to the following procedures:

1. Informal Conference: Suspension shall be preceded by an informal conference conducted by the school director or the school director's designee with the student and his or her parent and, whenever practicable, the teacher, supervisor or school employee who referred the student to the school director. The conference may be omitted if the school director or designee determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference. 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.
2. Notice to Parents/Guardians: At the time of the suspension, the school's Director or office manager shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. This notice shall state the specific offense committed by the student. In addition, the notice will state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay.

3. Suspension Time Limits/Recommendation for Expulsion: Suspensions, when not including 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. Suspended students will also be given the email address of their teachers so that they may complete coursework during their suspension. 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.
4. Appeal: All suspensions are decided by the school's Director and can be appealed to the ICEF VP of Schools by written request (hand-delivery or email acceptable) within 24 hours of the suspension decision. In the absence of the VP of Schools the VP of Instruction shall be next in the appeal procedures for suspension. Immediately following the request to appeal the suspension, the VP of Schools or VP of Instruction will meet with the parent to hear their evidence as to why the student should not be suspended. Following the meeting the VP of Schools or VP of Instruction will decide to either uphold or deny the request to suspend. The parent and school director will be notified within 24 hours of the final decision.

**DIRECTOR'S
DISCRETION TO
RECOMMEND
EXPULSION:**

Expulsion is the removal of a student from the immediate supervision and control or the general supervision of, school personnel. The expulsion shall be enforced and the student be referred to a non-District program, except as precluded by law. Education Code section 48915 describes offenses for which directors are mandated to recommend student expulsion and for those which directors may exercise their discretion to determine whether or not an expulsion recommendation is appropriate. Refer to Attachment B: Conditions for Student Expulsion Recommendation.

Level 1: Mandatory Expellable Offenses With No Director Discretion

Directors will immediately suspend and recommend for expulsion any student who commits Level 1 offenses (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 Principal Discretion

The principal shall recommend a student's expulsion if he or she determines that the student committed Level 2 offenses (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:* Series physical injury is defined as "an 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 Director's Discretion

The principal has maximum discretion to recommend or not recommend expulsion when he or she determines that a student has committed Level 3 offenses (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 offense listed under Level 2 and 3 (Attachment B), directors must provide **evidence of** one of the following finding:

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

EXPULSION PROCEDURES:

Expulsion will be initiated according to the following procedures:

1. A student may be expelled following a recommendation by the School Director.
2. Students recommended for expulsion are entitled to a hearing before a three member Administrative Expulsion Panel (“AEP”) that has been appointed by the ICEF Board of Directors, who will determine whether the student should be expelled.
3. The hearing shall be held within thirty (30) school days after the Director determines that the student has committed one of the acts listed under "Attachment A: Grounds for Suspension and Expulsion."
4. 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:
 - The date and place of the hearing;
 - A statement of the specific facts, charges and offense upon which the proposed expulsion is based;
 - A copy of disciplinary rules which relate to the alleged violation;
 - 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;
 - A statement that parents may appeal the decision of the panel by mailing a written request by registered mail to the VP of Schools. The mailing address shall be provided to the parent/guardians at the time of the notice of the Administrative Expulsion Panel hearing. Absent a request for additional time, the request for an appeal hearing by the VP of Schools must be received by the VP of Schools no more than 7 calendar days from the date of the Administrative Hearing. Families may request up to 30 calendar days to determine whether to file an appeal.
5. A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. Such notice shall be sent by the School Director, or Office Manager.
6. The AEP reports to the ICEF Board of Directors for ratification of its recommendations.

INTERIM PLACEMENT:

Students engaged in the expulsion or appeal process are considered suspended pending completion of the process. Due to the hardship on the student’s family and potential academic strain placed on the student, families are encouraged to act quickly where practical so as to ensure the students miss the least amount of school possible given the circumstance. The interim placement of a student will depend on several factors including but not limited to the severity of the offense, and whether space exists at other schools. Students engaged in the expulsion/appeal process may be placed on an independent study program, temporarily placed at another ICEF school, or may be allowed to receive work from the school at which they are currently enrolled.

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. Therefore, an Administrative Expulsion Panel (AEP) hearing is conducted for each student who is recommended for expulsion unless the recommendation is rescinded by the director. 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

The Expulsion Hearing shall:

1. Provide an opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by counsel;
2. Provide the right to inspect and obtain copies of all documents to be used at the hearing;
3. Provide the opportunity to question all witnesses who testify at the hearing;
4. Provide the opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses;

Administrative Expulsion Panel

Following the Director's recommendation for expulsion, a three member Administrative Expulsion Panel ("AEP") will be empanelled by the Board as needed.

The Administrative Expulsion Panel will consist of one (1) unbiased representative from the each of the following categories:

1. School Administrator: a school director or assistant director from an uninvolved ICEF school, Director of Blended Learning, VP of Instruction.
2. Teacher: an ICEF teacher, Director of College Readiness, or Instructional Specialist.
3. Parent: a parent from ICEF Steering Committee. An ICEF Home Office staff will serve as alternate in the absence of an available parent.

Presentation of Evidence

A decision to expel by the Administrative Expulsion Panel must be supported by substantial evidence that the student committed any of the acts listed in "Attachment A: Grounds for Suspension and Expulsion" above. 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 director 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.

If, due to a written request by the pupil who has been recommended for expulsion, the hearing is held at a public meeting, and the charge is committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900, a complaining witness, alleged victim, or perpetrator may have the right to have his or her testimony heard in a session closed to the public when testifying at a public meeting, as determined by the school director would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm, including, but not limited to, video-taped deposition or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit televisions.

Administrative Expulsion Panel Report/Decision

In reaching their conclusion, the AEP will consider (1) Campus safety, (2) Severity of incident, (3) Student's history of discipline, (4) Potential disruption of learning environment (5) Deterrence. All conclusions of the AEP are subject to appeal under the appeals procedure outlined below.

Following the presentation of facts and witness statements during the hearing, the AEP may reach one of several conclusions:

1. **Reject the School Director's recommendation of expulsion:** Following a full rejection of the School Director's recommendation, the student may return to his/her school
2. **Reject the School Director's recommendation of Expulsion:** following a full rejection of the School Director's recommendation of expulsion, an implementation of the STEP program and behavioral plan with student.
3. **Reject the School Director's recommendation of expulsion with conditions:** The School Director's recommendation is rejected and thus the student is not expelled. The student may return to school given the student and parent/guardian agree to the behavior plan established during the hearing. The behavior plan must be reasonable and related in nature to the expellable offense.
4. **Reject the School Director's recommendation of expulsion, institute ICEF Transfer:** The School Director's recommendation for expulsion is rejected so the student is not expelled. However, due to the expellable offense, the safety and/or learning environment within the school will be jeopardized if the student returns to school. Thus the student, although not expelled, will be transferred to another ICEF school.
5. **Support the School Director's recommendation of expulsion, student is expelled from school:** The expellable offense warrants expulsion from school of attendance when incident occurred. However the AEP determines that student is capable of attending another ICEF school.
6. **Support the School Director's recommendation of expulsion, student is expelled from ICEF schools as a whole:** the expellable offense warrants expulsion from all ICEF schools.

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. Parents may appeal the decision of the AEP by mailing a written request by registered mail to the following address:

*ICEF Public Schools, Attention: VP of Schools,
5120 W. Goldleaf Circle Suite 350, Los Angeles, CA 90056.*

Absent a request for more time, the request for an appeal hearing by the VP of Schools must be received no more than seven (7) calendar days from the date of the hearing before the Administrative Expulsion Panel. Families may request up to thirty (30) calendar days to determine whether to file an appeal, however such practice is discouraged due to the strain and hardship on the student and school. The student will be considered suspended until a meeting is convened to hear the appeal (within ten (10) working days of receipt of the appeal request) at which time the student's parent/guardian must attend to present their appeal. The appeal will be heard by a fair, impartial, disinterested panel, having the same composition as the Administrative Expulsion Panel. At the appeal hearing, the student/parent will be allowed to present evidence to the panel under the same guidelines as the original hearing. The decision of the appeal panel will be communicated in writing to the student and parent no more than three (3) calendar days following the hearing of the appeal. The determination of the panel is subject to ratification by the ICEF Board of Directors.

**WRITTEN NOTICE
TO STUDENT'S
PARENTS:**

The School Director, following the determination to expel from the Administrative Expulsion 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 for any of the acts listed in "Attachment A: Grounds for Suspension and Expulsion"
2. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's exit status with ICEF Public School.
3. A statement that parents may appeal the decision of the panel by mailing a written request by registered mail to the VP of Schools. Absent a request for more time, the request for an appeal hearing by the VP of Schools must be received no more than 7 calendar days from the date of the hearing before the Administrative Expulsion Panel. Families may request up to 30 calendar days to determine whether to file an appeal, however such practice is discouraged due to the strain and hardship on the student and school. The student will be considered suspended until a meeting is convened to hear the appeal (within ten (10) working days of receipt of the appeal request) at which time the student's parent must attend to present their appeal. The appeal will be heard by a fair, impartial, disinterested panel, having the same composition as the Administrative Expulsion Panel. At the appeal the student/parent will be allowed to present evidence to the panel under the same guidelines as the original hearing. The decision of the appeal panel will be communicated in writing to the student and parent no more than three (3) calendar days following the hearing of the appeal. The determination of the panel is final.
4. A statement explaining the expelled student's rehabilitation plan 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 Public Schools will facilitate possible educational placements following expulsion, but it is the student/family's responsibility to enroll the student in a new school. The School Director/Principal shall only send written notice and/or student records to the student's home school upon request. The School Director shall send written notice of the decision to expel to the LAUSD Charter Schools Division (CSD).
This notice shall include the following:
 - a) The student's name
 - b) The specific offense committed by the student for any of the acts listed in "Attachment A: Grounds for Suspension or Expulsion"

**WRITTEN NOTICE TO
STUDENT'S HOME
DISTRICT:**

Upon expelling any student, ICEF Public Schools shall notify the Charter Schools Division 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 Charter School'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, reinstatement notice with eligibility date and instructions for providing proof of student's 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 accommodations, documentation that Charter School conducted a Link Determination meeting to address two questions:
 - A. Was the misconduct caused by, or directly and substantially related to the student's disability?
 - B. Was the misconduct a direct result of Charter School's failure to implement 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 ICEF Public Schools, the school will work cooperatively with the district of residence, county, and/or private schools to assist with the appropriate educational placement of the student who has been expelled. Any incident of violent and/or serious student behavior will be communicated to the district/school to which the student matriculates.

ICEF Public Schools will work with the district from which the expelled student originated on an interim placement at another school. If a student is under an expulsion order from another school district (LEA), all information must be provided to the ICEF Public Schools Administrative Expulsion Panel (AEP) for review. The ICEF Public Schools Administrative Expulsion Panel will determine if enrollment will be granted.

**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 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 of 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 procedure 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 and 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 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 Administrative Expulsion Panel within three (3) days of submission. ICEF Public Schools is responsible for reinstating the student upon the conclusion of the expulsion period. The pupil's 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 of the plan a hearing may be scheduled before the AEP at which time evidence will be reviewed. Within three (3) days 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 Director or 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 1/2 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.

OUTCOME DATA: ICEF Public Schools shall maintain all data involving placement, tracking, and monitoring of student suspensions, expulsions, and reinstatements, and make such outcome data readily available to the District upon request.

SPECIAL EDUCATION DISCIPLINE: ICEF Public Schools shall implement operational and procedural guidelines ensuring compliance with federal and state laws and regulations regarding the discipline of students with disabilities. If a student with an IEP is suspended for the first and second time, the school will convene an IEP meeting to: (A) review the student's instructional program, (B) review modify, or develop a Behavior Support Plan as needed, and (C) after the second suspension if appropriate, recommend a behavioral assessment. If a student is recommended for expulsion and the student receives or is eligible for special education services, ICEF Public Schools shall identify and provide special education programs and services at an appropriate interim educational placement, pending the completion of the expulsion process, to be coordinated with the LAUSD Special Education Service Center

In the case of a student who has an IEP, or a student who has a 504 Plan, ICEF Public Schools will ensure that it follows the correct disciplinary procedures to comply with the mandates of state and federal laws, including the IDEA and Section 504 of the Rehabilitation Plan of 1973. As set forth in the MOU regarding special education between the District and ICEF Public Schools an IEP team, in coordination with a district representative, will conduct a manifestation determination meeting to conclude, (A) if the behavior was a direct manifestation of the student's disability and (B) if the IEP was properly implemented at the time the behavior took place. The team will also discuss alternative placement utilizing the District's Policies and Procedures Manual. Prior to recommending expulsion for a student with a 504 Plan, the ICEF Public Schools administrator will convene a Link Determination meeting to ask the following two questions: A) was the misconduct caused by, or directly and substantially related to the student's disability? B) was the misconduct a direct result of ICEF Public Schools' failure to implement the 504 Plan?

GUN FREE SCHOOLS ACT: The ICEF Public Schools shall comply with the federal Gun Free Schools Act.

RELATED SOURCES: California Education Code Sections 48900 et seq.

ASSISTANCE: For assistance contact the VP of Schools at (323)290-6925

I certify that the foregoing resolution was adopted by the Board of Directors of the INNER CITY EDUCATION FOUNDATION (d/b/a ICEF PUBLIC SCHOOLS, INC.) on January 7, 2014 at Los Angeles, California.



By: _____

Simeon Slovacek, Secretary



GROUNDS FOR 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) Stolen 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) 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.
- 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.
- s) 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])



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 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, cigarros, puros, cigarros en miniatura, cigarros 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) 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.
- 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.
- s) 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])



CONDITIONS FOR STUDENT SUSPENSION AND EXPULSION RECOMMENDATIONS

<u>LEVEL 1: NO DISCRETION</u>	<u>LEVEL 2: LIMITED DISCRETION</u>	<u>LEVEL 3: BROAD DISCRETION</u>
In accordance with E.C. 48915(c), directors shall immediately suspend and recommend expulsion when the following occur at school or at a school activity off campus.	In accordance to E.C. 48915 (a), directors must recommend expulsion when the following occur at school or at a school activity off campus unless the principal determines that the expulsion is inappropriate.	In accordance with E.C. 48915 (b) and (e), directors may recommend expulsion when the following 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 the campus, or during or while going to or coming from a school sponsored activity.
<ol style="list-style-type: none"> 1. Possessing, selling, or furnishing a firearm. It is a federal mandate that a school expel, for a period of not less than one year (except on a case by case basis), any student who is determined to have brought a firearm to school. 2. Brandishing a knife at another person. 3. Unlawfully selling a controlled substance. 4. Committing or attempting to commit a sexual assault or sexual battery. 5. Possession of an explosive. 	<ol style="list-style-type: none"> 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. 3. Unlawful possession of any controlled substance, except for the first offense for possession of not more than one ounce of marijuana. 4. Robbery or extortion. 5. Assault or battery upon any school employee. 	<ol style="list-style-type: none"> 1. Caused, attempted to cause, or threatened to cause physical injury to another person. (Unless, in the case of “caused,” the injury is serious. E.C. 48900(a)(1); 48915(b) 2. First offense of possession of marijuana of not more than one ounce, or alcohol. 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) 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) 8. Possessed, offered, arranged, or negotiated to sell any drug paraphernalia. E.C. 48900(j); 48915(e) 9. Disrupted school activities or willfully defied the valid authority of school personnel. E.C. 48900(k); 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) 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) 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 Level 1 or 2 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)



CONDICIONES PARA LA RECOMENDACIÓN DE SUSPENSION O EXPULSION DE ESTUDIANTES

<u>NIVEL 1: NO DISCRECION</u>	<u>NIVEL 2: DISCRECION LIMITADA</u>	<u>NIVEL 3: AMPLIA DISCRECION</u>
<p>El director debe suspender inmediatamente y recomendar la expulsión de un estudiante cuando ocurra cualquiera de los actos siguientes en la escuela o en una actividad escolar fuera del plantel. (C.E. 48915[c])</p>	<p>El director debe recomendar la expulsión de un estudiante cuando ocurra cualquiera de los actos siguientes en la escuela o en una actividad escolar 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>
<ol style="list-style-type: none"> 1. Teniendo en posesión, vendiendo, o proporcionando un arma de fuego. C.E. 48915(c)(1); 48900(b) 2. Blandiendo una navaja a otra persona. C.E.48915(c)(2); 48900(a)(1) y 48900(b) 3. Vendiendo ilegalmente una sustancia controlada. C.E. 48915(c)(3); 48900(c) 4. Cometiendo o intentando a cometer un ataque sexual o cometiendo una agresión sexual (según lo definido en 8900[n]). C.E. 48915(c)(4); 48900(n) 5. Que posea un explosivo C.E. 48915(c)(5); 48900(b) 	<ol style="list-style-type: none"> 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) 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) 3. 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. C.E. 48915(a)(3); 48900(c) 4. Robo o extorsión. C.E. 48915(a)(4); 48900(e) 5. Ataque o agresión física sobre cualquier empleado de la escuela. C.E. 48915(a)(5); 48900(a)(1) y (a)(2) 	<ol style="list-style-type: none"> 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. La primera ofensa de posesión de menos de una onza de marihuana o de alcohol. C.E. 48900(c); 48915(b) 3. Vendió, proporcionó u ofreció una sustancia substituta, haciéndola pasar por una sustancia controlada. C.E. 48900(d); 48915(b) 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) 8. Poseyó, ofreció o negocio para vender artículos relacionados con las drogas. C.E. 48900(j); 48915(e) 9. Perturbo actividades escolares o desafió por voluntad propia la autoridad válida del personal de la escuela. C.E. 48900(k); 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) 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) 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 Nivel 1 o 2 que no 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)