

## Oakland Unified School District - Office of Charter Schools Disciplinary and Expulsion Documentation Requirements

Last updated: January 9, 2019

*Charter schools authorized by Oakland Unified School District are expected to protect the rights of students by implementing compliant, consistent, and transparent disciplinary policies. In this policy, OUSD's Office of Charter Schools (OCS) outlines requirements for disciplinary proceedings and best practices.*

### Documentation of Disciplinary Procedures and Policies

Consistent with AR 5144.1, charter schools will inform families and guardians of their school's disciplinary policy and processes at the beginning of each school year. A list of expellable offenses (as required by Cal. Code Regs., tit. 5, §11967.5.1(f)(10)(A)) and/or a Student Discipline Matrix (for reference, see pg. 29-33 of [AR 5144.1](#)) is recommended as part of the disciplinary policy. Additionally, Education Code §47605(b)(5)(J) requires that a charter school's disciplinary policy "contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the student no less than five schooldays before the effective date of action."

### Compliance with Provisions of its Charter

Each charter school must comply with the provisions of its charter with respect to all student disciplinary procedures, including but not limited to:

- The duration of suspensions
- The educational services to be provided to students during suspension
- The notice requirements for suspension
- The timing of expulsion hearings and resulting notices
- Procedures and conduct of expulsion hearings
- Neutrality of the disciplinary panel or chair

School leadership should ensure that all staff involved in disciplinary proceedings are adequately informed of their school's procedural requirements so as to protect students' due process rights during a disciplinary proceeding.

## Student/Family Notification Requirements

Each stage of a disciplinary proceeding requires timely notification of student/family. A student/family should receive, at a minimum, the below notifications (also see the reference chart provided by OCS):

***Notice of Suspension*** -- Written or verbal notice informing the student/family of the student's name, date of offense, offense, and length of suspension.

***Notice of Extension to Suspension Pending Expulsion*** -- If the school decides to pursue an expulsion, written or verbal notice informing the student/family that the student's suspension has been extended until the hearing date.

***Notice of Expulsion Hearing*** -- Written notice which informs the student/family of the time, date and location of the expulsion hearing as well as their due process rights and their right to appeal the scheduled date. The charter school will provide the notice of expulsion to the OUSD Office of Charter Schools at the same time as family notification so that an OCS representative may attend the hearing. The Notice of Hearing shall include, at a minimum:

- The date and place of the hearing
- A statement of the specific facts and charges upon which the proposed q expulsion is based
- A copy of the school's disciplinary rules that relate to the alleged violation
- Notice to parents of their obligation to inform a new school district in which the student enrolls of his or her status with the charter school (Education Code section 48915.1(b))

***Notice of Decision/Expulsion*** -- A written document which informs the student/family of the outcome of the expulsion hearing. If the student has been expelled, the notice should include all elements outlined in the Expulsion Documentation Requirements section of this policy.

The recommended practice for OUSD-authorized charter schools is to provide student/families with a notice of expulsion hearing no less than 10 calendar days prior to the hearing and to conduct the expulsion hearing within 30 days of the expellable offense, barring an extension mutually agreed upon by student/family and school.

### Additional Safeguards Required for Foster Youth

When the disciplinary proceeding involves a foster youth, the charter school must also notify the appropriate county child welfare agency and the student's attorney of the notice of expulsion (Education Code §48853.(5)(d)).

### Additional Safeguards Required for Students with IEPs and 504 Plans

For students with IEPs and 504 Plans, the charter school must hold a manifestation determination meeting within 10 days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct (34 CFR § 300.530(e)).<sup>1</sup> This meeting requires advance written notification to the student/family so that a parent/guardian is in attendance. The school is also responsible for providing a manifestation determination hearing for a student not yet determined to be eligible for special education, but who the school believes may have a disability. (See 34 CFR § 300.534).

In the event that the student is referred for an interim alternative placement, the IEP team is responsible for identifying placement and a plan for how the student will receive any required services. The IEP team must determine the plan for continued services and/or placement at the manifestation hearing.

### Expulsion Documentation Requirements

In the case of an expulsion, the charter school must provide the student/family with a notification of expulsion in a time and manner consistent with the requirements of its charter. Generally, OUSD-authorized charters require this notification to occur within 10 calendar days or 10 school days following the expulsion hearing. The notification of expulsion should outline:

1. The student's name
2. The expellable offense
3. The student's right to appeal
4. The student's reentry date

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<sup>1</sup> A change of placement includes a suspension or expulsion.

5. The name and contact information of the appropriate student placement office. In-district students should be referred to OUSD's Attendance and Discipline office (510-879-3123) for intake and placement at a community day school.<sup>2</sup>

When a charter school makes the decision to expel, it must provide all documentation of findings and evidence related to the expulsion, including an audio or video recording or certified written transcript of the hearing, to the OUSD Office of Charter Schools within 2 business days of the expulsion hearing decision. The school should also complete the OCS [student exit form](#).

In the event that the school reaches a stipulated expulsion or other resolution without disciplinary proceedings, the school must provide all documentation and related communication to the Office of Charter Schools.

**Please submit all expulsion notifications and documentation described above via email to Elizabet Wendt, Compliance Specialist at [elizabet.wendt@ousd.org](mailto:elizabet.wendt@ousd.org).**

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<sup>2</sup> For out-of-district students, charter schools should refer the student to the student services office in their home district.