

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

Last updated: April 2023

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](#) is recommended as part of the disciplinary policy. Additionally, Education Code §47605(c)(5)(J)(iii) 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. See [here](#) for recommendations and resources on providing support services for students while navigating suspensions and expulsion.

Preview of Student/Family Notification Requirements

Each stage of a disciplinary proceeding requires timely notifications of the 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 the family notification is given so that an OCS representative may attend the hearing.
- 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 charter school will also provide the Notice of Expulsion to the *OUSD Attendance & Discipline Team, and CC the OUSD Office of Charter Schools at the same time.*

*Please note: the OUSD Attendance and Discipline Team consists of Misha Karigaca: misha.karigaca@ousd.org; Brenda Mendieta: brenda.mendieta@ousd.org; Rene Garcia: Rene.Garcia@ousd.org and the OUSD Office of Charter Schools Expulsion contact is Marwa Doost: marwa.doost@ousd.org.

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)).¹ 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 by Due Dates:

- 1) 10 Days Prior to Expulsion Hearing:** Charter school sends the Notice of Expulsion Hearing to the OUSD Office of Charter Schools (Marwa Doost: marwa.doost@ousd.org). Notice of Expulsion Hearing to include:
 - a) The date and place of the hearing
 - b) A statement of the specific facts and charges upon which the proposed expulsion is based and the student's due process rights
 - c) A copy of the school's disciplinary rules that relate to the alleged violation
- 2) Post Expulsion Hearing & Family Notification:** 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:
 - a) The student's name and basic information including grade and birthdate
 - b) The expellable offense
 - c) The student's right to appeal
 - d) The student's reentry date

¹34 CFR § 300.536 defines a change in placement as a removal of more than ten consecutive school days or a series of removals that constitute a pattern (including if the removals total more than 10 days in a given school year). This applies to both suspensions and expulsions.

- e) The name and contact information of the appropriate student placement office. In-district students should be referred to OUSD's Attendance and Discipline office (510-879-2411) for intake and placement.²

3) Within 2 days of Expulsion Hearing

- a) If the decision is not to expel, the Charter school should notify the OUSD Office of Charter Schools (Marwa Doost: marwa.doost@ousd.org). No further action needed unless requested by OCS.
- b) If the decision is to expel, the charter school must provide all documentation of findings and evidence related to the expulsion to the OUSD Office of Charter Schools (Marwa Doost: marwa.doost@ousd.org) within 2 business days of the expulsion hearing decision. This includes:
 - i) Notice of suspension
 - ii) Notice of extension to suspension pending expulsion hearing
 - iii) Recommendation for expulsion
 - iv) Notice of expulsion hearing
 - v) Evidence packet presented at expulsion hearing
 - vi) Audio or video recording of expulsion hearing and/or transcript of expulsion hearing
 - vii) Notice of expulsion
 - viii) Or, in the case of a stipulated expulsion, the stipulated expulsion agreement

If the student is an Oakland resident and is seeking to enroll in an OUSD school, the above documentation AND the below enrollment information should also be provided to the OUSD Attendance and Discipline Office (Misha Karigaca: misha.karigaca@ousd.org; Brenda Mendieta: *brenda.mendieta@ousd.org*; Rene Garcia: *Rene.Garcia@ousd.org*):

- (1) Basic student information including full name, grade, date of birth, parent/guardian name, and parent/guardian contact information
- (2) Immunization Record
- (3) Most recent grades/transcripts
- (4) Discipline Entries

If the decision was to expel and the student is NOT an Oakland resident, the Charter school should follow up with the student's District of Residence regarding placement.

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

- 4) Intake Call:** Within one week of receiving the information from Charter School: the Attendance and Discipline Team will contact the family to schedule an intake call for placement.

In the event that the school reaches another kind of resolution without disciplinary proceedings, or a student is disenrolled, dismissed, transferred, or terminated for any reason, with or without charges, disciplinary proceedings, or a hearing, the school must provide all documentation and related communication to the Office of Charter Schools (Marwa Doost: marwa.doost@ousd.org) within 2 business days of the decision. **Please submit all expulsion notifications and documentation described above via email to the Attendance and Discipline Team and CC the OUSD Office of Charter Schools Compliance Specialist, Marwa Doost at marwa.doost@ousd.org**