

School



Discipline

School Discipline

School discipline should both serve a purpose and remain consistent with the child's right to a free and appropriate public education (FAPE) in the least restrictive environment (LRE). This means a school must try less restrictive means of discipline/intervention, before removing a child from academic instruction.¹

Schools must also be especially mindful of a child's disability, and related service needs, in order to develop and implement appropriate behavioral interventions and/or disciplinary measures. This applies to both children with active IEPs, as well as those suspected of having a disability about which the school district has knowledge.² Special education students have special protections provided by their IEP or 504 plans. Discipline must be assessed on a case by case basis, looking specifically at the child and their unique circumstances. A student cannot be removed from their placement (by expulsion or suspension) over 10 days in a school year without appropriate changes in their IEP, and the student must continue to receive special education services. See pages 11-14.



Detention

Detention is a less restrictive form of school discipline than suspension or expulsion that a school may use when a student violates the education code. Another example of an acceptable form of less restrictive discipline is a referral to the school site counselor to discuss the situation and more appropriate behaviors.

The school must be careful not to deprive the child of academic or other protected social interactions when they choose to discipline by detention.

- A student may not be required to stay in school during the lunch break or during any recess for detention.³
- A student cannot be held in school for discipline or any other reason for more than one hour after school.⁴
- A student may not be required to do any work or tasks that may be hazardous to their health, this may include trash pick-up.

What is a suspension?

Suspension is a form of school discipline where the student is temporarily removed from school. This action is a result of offenses committed by the student that violates Education Code Sections 48900 (a)-(q), 48900.2-4, or 48900.7. Suspension is not to be used in response to truancy, tardiness or absence.⁵ Remember, the school must attempt a less restrictive means of discipline and intervention before suspension or expulsion, such as detention, or a counseling referral.⁶

The act for which a student is suspended must be related to school activity or school attendance while:⁷

- On school grounds
- Going or coming from school
- During a lunch period (both on or off campus)
- Going to, during, or coming from a school sponsored activity (i.e. fieldtrip)

Furthermore, suspension can only be imposed when all other means of correction fail to bring about proper conduct, or if the student presents a danger to people and property, and/or disrupts the educational process for the other students.⁸

For how long can a student be suspended?

A suspension cannot be longer than 5 consecutive school days,⁹ and this can only be extended if a child was recommended for expulsion.¹⁰ In a given academic year, students cannot be suspended for more than 20 school days, unless they have transferred. Then it may be up to 30 days.¹¹

Does the school have to suspend my child?

No. The superintendent or principal has the discretion to provide alternatives to suspension such as anger management, counseling, or community service during non- school hours (both on and off campus).¹²

What types of suspension are there?

1. The student is prohibited from school grounds for a given duration of time.
2. The student is placed in a supervised suspension classroom away from other students, as long as the student poses no threat to his/ her peers.¹³
3. The student is suspended from a particular teacher's classroom for one school day.

What rights do my child and I have?

Prior to suspension the child has a right to an informal conference with the principal.¹⁴ This is an opportunity for the student to be heard and present evidence. The exception to this is when the student presents a clear danger. When this is the situation, the student must be given notice of their right to a hearing and the school must hold the hearing meeting within 2 days.¹⁵

The school must make a reasonable attempt to contact the parent at the time of the student's suspension, and the school must provide a written notice of the action to the parent. The parent should ask their school district about their policy regarding meeting with school officials to discuss the causes, duration, policies, and other matters related to the suspension.

Do I have a right to appeal?

The Education Code is silent on the right to appeal a suspension. However, local school districts often have their own specific suspension and appellate procedures. Therefore, parents should check with their district to see its policy. Note: LAUSD does have an appeal policy.

The appeal process usually involves a first appeal to the local school district and then a possible second appeal to the governing board.

Regardless of whether the suspension is maintained or the appeal is successful, you (parent or educational rights holder) may request that the District remove any incorrect information from the child's school records or you (parent or educational rights holder) can insert a comment or explanation into the record.¹⁶ See page 17-18

What is an expulsion?

An expulsion is the most severe type of school discipline where the student is removed from the school district for up to one year, because other disciplinary interventions are not appropriate.

Current estimates are that approximately 6,000 students are “informally expelled” every year from the Los Angeles Unified School District through the opportunity transfer policy. Opportunity transfers are discussed more on page 8-10.



What is an expulsion hearing?

An expulsion hearing is a hearing to determine whether or not the student should be expelled.¹⁷

What are my rights before an expulsion hearing?

If your child is recommended for expulsion, you (parent or educational rights holder) have the right to attend an expulsion hearing. It is your right to have an advocate or attorney present at this hearing, if you wish.¹⁸

- The school must provide a 10 day written notice of the date, time, and location of the hearing, your rights in the process, and specific facts regarding the incident.¹⁹

- You (parent or educational rights holder) have the right to postpone the hearing for 30 calendar days.²⁰
- The school must provide a statement of facts upon which the charges are based and a copy of the district’s disciplinary rules relating to the violation.²¹
- The school must provide you (parent or educational rights holder) notice of the right to representation, to inspect all documents, call witnesses, and present evidence. You (parent or educational rights holder) have a pre-hearing right to a copy of the documents and exhibits that will be used.²² If this is not included with your 10 day written notice regarding the hearing, request it in writing immediately.
- You (parent or educational rights holder) also have the right to request and receive documents in your primary language.²³
- You (parent or educational rights holder) can have an interpreter present with you at the hearing.

What can I expect at an expulsion hearing?

- When a District decides to expel a student, an administrative panel of three independent individuals (not staff members of your child’s school) or the School Board itself must have a hearing within 30 days of the original date of suspension.²⁴
- The hearing must be recorded by the District.²⁵
- During the hearing, the school may present evidence. Evidence is limited to the kind that “reasonable people rely on in making important decisions.”²⁶
 - You (parent or educational rights holder) may present evidence and call witnesses, including evidence of child’s good behavior, academic success, community involvement and leadership.
- In order to expel, the School Board must examine the evidence and make specific findings of fact that:
 - There is substantial evidence that the student violated the indicated Education Code sections and the violation is connected to school attendance or school activities; for example, by committing the offense during school hours or on school property.²⁷



- Other means of correction (discipline) are not feasible or have been tried and have repeatedly failed UNLESS the student committed a zero tolerance offense.²⁸ If the child has committed a zero tolerance offense, other means of discipline do not have to have been tried. See page 6-7.
- The Board must also make secondary findings of fact that:
 - Due to the nature of the act, the student’s presence in school is a threat to the physical safety of others UNLESS the student committed a zero tolerance offense.²⁹

When will I find out the Panel's decision?

- The School Board must make their decision within 40 days after the original suspension and within 10 school days of the hearing.³⁰
- If the Board decides to expel your child and you do not agree with the findings, you (parent or educational rights holder) have the right to appeal the decision.³¹
 - Appeal by submitting documentation to County Board of Education within 30 calendar days of vote to expel. To download the Notice of Appeal (Pupil Expulsion) form and information packet, please visit LACOE’s Expulsion Appeal Process website <http://lacoedu.orgs/648/index.cfm> or see **Appendix A** for the Notice of Appeal. For assistance in preparing the appeal, call (562) 922-6897
 - Board must hold hearing within 20 days.
 - Decision is made within 3 days. Check with your local County Board of Education for their expulsion appeals procedure. Many County Boards have a special packet to fill out for appeals.

What is a Zero Tolerance Offense and what does it mean for my child?

Certain acts are considered so serious that a Principal must recommend expulsion and the school board must expel, IF they find a student commits any of these “Zero Tolerance Offenses.” However, they must still follow the expulsion process and make the required findings of “substantial evidence” that the student actually committed the alleged offense.

Federal law states that Zero Tolerance offenses include any of the following, while at school, on school grounds, or at a school function:

- Selling or soliciting the sale of illegal drugs or prescription medications;
- Knowingly possessing or using illegal drugs;
- Inflicting serious bodily harm on another;
- Carrying or possessing a weapon, including while en route to school or a school function.³²

In California, the following are also considered Zero Tolerance offenses:³³

- Possessing, selling or furnishing a firearm;
- Brandishing a knife at another person;
- Unlawfully selling a controlled substance;
- Committing or attempting to commit sexual assault or battery; or
- Possessing an explosive device.



If your child commits a zero tolerance offense – even if it is caused by his or her disability – the district may remove your child to an alternative interim placement for up to 45 days.³⁴ See page 11-14 for more about special education discipline.

Suspended Expulsions

The governing board may suspend the enforcement of an expulsion (even if the expulsion is based on a zero tolerance offense) for a period of not more than one calendar year. The Board may, as a condition of the suspension of enforcement, assign the student to a school class or program that is appropriate for the rehabilitation of the student. During the period of suspension of enforcement, the student is on probationary status. The governing board may revoke the suspension of the expulsion order if the student commits any of the acts under § 48900 or violates any of the district’s rules and regulations governing student conduct. Specific terms of the suspended expulsion should be spelled out in the expulsion order and must be reasonable.

My child is being given an opportunity transfer. What is that?

Opportunity Transfers (“OT”) are temporary transfers from one comprehensive (regular) school to another comprehensive school in that district. OT’s are issued in order to reduce disciplinary behaviors that interrupt learning but are often overused by schools as an inappropriate “quick fix,” by informally expelling students with discipline issues. Parents are no longer permitted to request OTs based on social adjustment reasons, which are now regulated by voluntary transfer policies.

Why is my child receiving an OT?

There are only two reasons for issuing an OT, either for Progressive Discipline or a Single Serious Act.¹

- Progressive Discipline: An OT should be used only after repeated unsuccessful attempts for intervention have failed, as reviewed by the Disciplinary Review Team (“DRT”). In other words, it should be used as a means of last resort.

A review of the student’s record should be made to determine that:

- Repeated meaningful attempts by the school have been unsuccessful;
 - A change in school environment would be the most effective means to ameliorate the student’s disciplinary problems; and
 - The misconduct does not constitute expellable offenses.
- Single Serious Act: For certain offenses (possession of firearm sale of a controlled substance, brandishing a weapon, and sexual assault and battery), a school must take disciplinary action.
 - In all other areas, the school has discretion and must weigh the seriousness of the act, the particular circumstances of the act, the student’s previous social adjustment record, and IEP or Section 504 plan.

¹LAUSD Policy Bulletin 4478: Opportunity Transfers (OTs) Policy

What is the OT process?

After a disciplinary incident or a suspension, school officials may initiate the OT process in order to:

- Positively affect the student's academic and social adjustment AND
- To promote school safety for all students.

Each school should develop comprehensive broad-based intervention strategies designed to help students improve their behavior. Then, a DRT will meet to discuss the recent incident and your child's disciplinary history. Using a checklist, the DRT will determine if an opportunity transfer will benefit your child. Before issuing an OT, the DRT should determine that all appropriate interventions, schools resources, and options have been explored. If the DRT determines an OT would best benefit your child, the original (sending) school will ensure the new (receiving) school will accept and enroll your child within three school days of the OT being issued. Both schools must agree before the OT is completed and before you (parent or educational rights holder) sign an agreement.

I don't agree with the OT! Now what?

- When an OT is issued, the school must make every effort to get a parent's input and to listen to any concerns that a parent may have. However, while a parent's permission is not required, there are procedural safeguards and due process rights the school must follow.

What are our rights during a Disciplinary OT?

- The school should consult with the parents and have a conference to discuss concerns and issues. The school should also provide written notice of the OT.
- The principal of the school issuing the OT must contact the principal of the school receiving the student and work out a plan. The receiving school should hold an intake conference with you and the student in order to discuss a plan for student success at the new school, terms and conditions of the transfer, and a list of resources for student success.
- The plan should include the terms and conditions upon which the student should serve the OT, such as when the student will have the opportunity to return to the home school.
- The parents should be given the policy regarding OT and written information about the appeals process should they disagree with the principal's decision to use the OT.

What if a parent does not agree to the OT, is there an appeal process?

- When an OT is issued, the school administrator should provide you with a copy of the appeal procedures and explain your right to appeal. See Appendix B for the Opportunity Transfer Appeal Process form.
- You must complete your request according to specific deadlines. If you decide to appeal you must request an appeal within two school days of the school's decision to issue the OT. Then, the school administrator must report the appeal decision to you within three days of that appeal conference. All OT appeals will be heard on two levels. On the first level, the appeal is heard by the sending school principal. On the second (and final) level, the appeal is heard by the Local District Superintendent/designee or Local District designated committee.
- When a child has completed the terms and conditions of the OT plan (as determined by the principals of each school), they will have the opportunity to return to their original school.

What is the difference between a Continuation School and a Community Day School?

You (parent or educational rights holder) have certain rights, depending on where your child is transferred.

A continuation school is an alternative school program designed to offer a more flexible way for students to make up the credits needed to complete high school and target students with truancy problems or low-academic credits, among others. They generally emphasize work-study opportunities, career counseling, and job placement services.

For a transfer to Continuation School, you (parent or educational rights holder) have a right to:

- Written notice of the transfer;
- Inspect all documents and appeal to the superintendent. At this appeal, you (parent or educational rights holder) have the right to call witnesses and have an attorney or advocate present;
- An annual review. The transfer cannot extend beyond the end of the following year without this review.

A community day school program concerns itself with “at risk” youth and uses interagency cooperation to provide low student-teacher ratios and individualized instruction.

- For a transfer to a Community Day School, **there is no right to an appeal, outside of the process with which the student was referred; i.e. Expulsion appeal, etc.** In order to complete this transfer, a student must be:³⁵
- Expelled;
- Referred by probation;
- Referred through a Student Attendance Review Board (SARB) hearing;
- Referred through a district level referral process.

For Students Receiving Special Education Services

OR

*If your child is receiving special education services at the time they are suspended or expelled, certain protections and procedures apply. When a child with a disability violates the code of student conduct and the school wishes to proceed by disciplining the child, the school must take into account the unique circumstances of the child and the situation on a case-by-case basis.*³⁶

Some possible unique circumstances regarding the child’s behavior include:

- The child’s disciplinary history;
- Ability to understand consequences;
- Expression of remorse; and
- The supports provided to a child with a disability prior to their conduct.³⁷

Will my child receive services during a suspension?

1. If a special education student violates a “code of conduct,” they may be suspended for up to 5 days if there is no recommendation for expulsion.³⁸
2. You (parent or educational rights holder) must be notified of the suspension, in writing, on or before the day it takes place. The school must provide you with information regarding your child’s rights and the proper procedures.³⁹
3. During this time, the school is not required to provide special education services.⁴⁰ However, see below . . .

What if my child is removed from school for more than 10 days?

Your child's IEP determines their placement in school. If your child was removed for more than 10 days in a row, OR was removed for a total of more than 10 days throughout the school year for similar misconduct or behavior, it is considered a change in their current placement,⁴¹ and the school must do the following:

- **Provide Services:** Your child must receive the special education services that are identified in your child's IEP.⁴²
- **Manifestation Determination:** Within 10 school days of the decision to make the change in placement, there must be a manifestation determination⁴³ IEP. This includes a recommendation for expulsion or upon being suspended for the tenth day in one school year. A manifestation determination IEP is a meeting where the parent, school district and IEP team members determine if your child's behavior was caused by his or her disability.

If the team finds the behavior is caused by or directly related to your child's disability OR is a direct result of the school's failure to implement the IEP, your child must be returned to their current educational placement.⁴⁴ In addition, your child will receive a functional behavioral assessment and a new or modified behavior intervention plan.⁴⁵

If the team finds that the behavior is not caused by your child's disability, regular disciplinary action may proceed.⁴⁶ If appropriate, your child may also receive a functional behavior assessment and you (parent or educational rights holder) may request this assessment.⁴⁷



Will my child still receive services if the manifestation determination finds the offense is not related to my child's disability?

Yes. Regardless of the outcome of the manifestation determination, if your child is removed from school for more than 10 days, your child must continue to receive special education services, as determined by their most recent IEP.⁴⁸ Your child may obtain special education services through an interim alternative educational setting (IAES) for up to 45 days while awaiting an expulsion hearing.⁴⁹ An appropriate IAES must enable the child to continue to participate in general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.⁵⁰ An appropriate IAES will depend on the circumstances of each individual case including: the length of the removal, the extent of any previous removals from regular placement, and the child's individual needs and educational goals. More than one option must be presented when determining an appropriate IAES. It is critical that the IEP team and the student's parents participate in the decision of IAES.

What if I don't agree with the manifestation determination?

You (parent or educational rights holder) may appeal this decision and ask for an expedited special education due process hearing from the Office of Administration (OAH).⁵¹

The timeline for an appeal is as follows:

- 15 Days from Request: School, parent and relevant IEP team members must meet to try to resolve the appeals issues.
- 20 Days from Request: An expedited hearing must occur.
- 10 Days from Hearing: A final decision must be given.

Students Not Yet Eligible for Special Education Services

If your child **may need** special education services **but is not receiving them**, certain protections and procedures may still apply if your child is expelled or suspended from school.

What if I suspect my child has special needs?

If the school knew, or should have known, before the behavior, that your child has a disability, your child must receive the same protections and special education services even if your child has not been evaluated yet.⁵²

How do I know if the school knew about my child's need for special education services?

The school district is considered to have knowledge if:⁵³

- You (parent or educational rights holder) have expressed concern in writing to administration or a teacher that your child needs special education services.
- You (parent or educational rights holder) have requested an initial assessment of your child to determine special education eligibility. California law requires this be in writing.
- A teacher or other school personnel have expressed specific concerns, directly to the director of special education or other supervisory personnel, using established procedures, about a pattern of behavior that may indicate your child has a disability.⁵⁴
- Note: If you (parent or educational rights holder) refused assessment for special education services, refused special education services, or if your child has been tested and was found not eligible for special education, the school is not considered to have knowledge, unless you can show prior insufficient testing, such as not testing in all the areas of suspected disability.⁵⁵

The school didn't have knowledge. What happens now?

- Your child may be disciplined in the same manner as a child without a disability.⁵⁶
- You (parent or educational rights holder) may request an assessment during the suspension or expulsion and all assessments must be completed within 60 days. During this time, your child remains suspended or expelled. If your child is found eligible for special education, services must be provided.⁵⁷



Students Receiving 504 Accommodations

There is no case law regarding school discipline and students covered under Section 504 of the Rehabilitation Act of 1973.

However, under Section 504, expulsion is considered to be a change in placement and proper procedures must be followed.

- **Manifestation Determination:** Under Section 504, a student may not be expelled for behavior that is a result of their disability. If the manifestation determination finds the behavior is directly related to the disability, changes must be made to the 504 Plan/IEP and the school must conduct a functional behavior assessment in order to develop a behavior plan.
- **Equal Treatment:** Under Section 504, a school may not expel a child with disabilities if they would not do the same for a child without disabilities.
- **Filing an OCR Complaint:** If you believe that your child has been subject to discriminatory discipline because of his or her disability, in violation of Section 504, you may file a complaint with the Office for Civil Rights (“OCR”).ⁱⁱ Your complaint must be filed within 180 calendar days of the date of the alleged discrimination. However, if you choose to file a grievance with LAUSD as well, you must file the OCR complaint within 60 days after the last act of the LAUSD grievance process.
- **You have several options for how to file your OCR complaint:**
 - (1) **Mail or fax:** You may mail or fax a letter or use the OCR’s Discrimination Complaint Form, which is available from one of OCR’s enforcement offices.ⁱⁱⁱ If you choose to write a letter, you should include: your name, address, and phone number (if possible); information about the person(s) or class of persons injured by the alleged discriminatory act(s); name and location of the institution that committed the alleged discriminatory act(s); and a description of the alleged discriminatory act(s) in sufficient detail to enable OCR to understand what happened, when it happened, and the basis for the alleged discrimination (race, color, disability, etc).

ⁱⁱ <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html?src=rt>

ⁱⁱⁱ A list of enforcement offices can be seen at <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html?src=rt>

- (2) **E-mail:** You may file a complaint through e-mail and should include all of the information detailed above (for mail or fax). Send the e-mail to ocr@ed.gov.
- (3) **Online:** You may file a complaint using OCR’s electronic complaint form online.

For more information on filing your OCR complaint, please go to:
<http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

- **Filing a state Educational Equity complaint, also called a Williams Complaint:** Legislation requires that every school district, which includes LAUSD, provide a uniform complaint process for complaints regarding insufficient instructional materials, unsafe or unhealthy facility conditions, and teacher vacancies and mis-assignments.^{iv}
- **You may file a Williams Complaint if:**
 - (1) your child does not have a book to use in class or to take home; or
 - (2) the conditions of the school building or facilities pose a threat to the health and safety of students or staff; or
 - (3) your child does not have a permanent teacher assigned to their class at the beginning of the semester or the teacher is not qualified to teach that class; or
 - (4) a restroom is not fully operational, well maintained and cleaned, stocked with supplies, and open during school hours when students are not in class, or an insufficient number of restrooms are open while students are in classes.
- After filing your complaint, the principal should investigate and fix the problem within 30 working days. If the principal needs approval by the school district, the district must provide a solution within 30 working days of receiving the complaint, but no later than 40 working days after your complaint was first filed.
- **How to file a Williams Complaint:**
 - (1) Obtain a complaint form: By law, a notice should be posted in each classroom describing these rights and where to find complaint forms. Also, go here to download a model complaint form: http://www.decentschools.org/settlement/Williams_Complaint_Form.pdf

^{iv} <http://www.decentschools.org>

- (2) Fill out the complaint: If you file the complaint in a language other than English, the response must be written in that language (and English) if it is spoken by at least 15% of the students at your school. You may file an anonymous complaint, but you will not receive a written response.
 - (3) Turn in the complaint: The form should tell you where to file it with the principal.
- If you are not satisfied with the response to your complaint, you may address the school board at a school board meeting to explain why the resolution was unsatisfactory. If your complaint is related to school facilities, you may also appeal to the State Superintendent of Public Instruction within 15 days of receiving the response.

Amendment of School Records

What if I win at the hearing for expulsion and the board votes not to expel my child?

You (parent or educational rights holder) have the right to amend school records so that the expulsion is no longer in your child's school file. This will make sure that your child's wrongful expulsion is not used against him or her in the future.⁵⁸

Do I have a right to look at my child's school records?

- Under the Family Education Rights and Privacy Act ("FERPA"), as a parent or legal guardian, you (parent or educational rights holder) have the right to review the educational records of your children.⁵⁹
- The law also requires that each school establish appropriate procedures for how a parent may request to see their child's records.⁶⁰
- Once you (parent or educational rights holder) request your child's records, the school must provide them no later than 5 business days following the request.⁶¹
- While schools must allow parents to review the records, they are not required to provide copies of records unless it is otherwise impossible for parents or eligible students to review the records (i.e. distance).⁶²

- There is no fee to search or retrieve the student’s educational records.⁶³
- However, a fee may be charged for a copy of the education record, unless the fee effectively prevents the parent or eligible student from exercising their right to review the record.⁶⁴

What if there is something wrong or misleading in my child's school record? Can I have it taken out?

- You (parent or educational rights holder) have the right to ensure that your child’s records are not inaccurate or misleading.⁶⁵
- If the school decides not to amend the record, the parent or eligible student has the right to a formal hearing.⁶⁶
- You (parent or educational rights holder) must be provided with the opportunity to correct or delete such a record, or insert a comment or explanation into your child’s file, if the school district decides not to change the record.⁶⁷
- If you (parent or educational rights holder) are successful in reversing an expulsion, submit a request that your child’s records be amended so that the expulsion is removed from his or her records.⁶⁸

What if the school decides not to change or amend the records as you requested?

- Just as you (parent or educational rights holder) have the right to advocate for your child at any hearing, you have a right to appeal the decision not to amend your child’s record.⁶⁹
- At the hearing you (parent or educational rights holder) may expose any bias you suspect on which the decision not to amend was based.
- You (parent or educational rights holder) may also present any evidence that reasonable people would rely on to prove your case.

School-Wide Positive Behavior Support Policy^v

In 2007, LAUSD became the first district in the nation to adopt “School-Wide Positive Behavior Support” (“SWPBS”) as the discipline model for every school in the district. LAUSD policy bulletin 3638.0 lays the groundwork for implementing SWPBS in LAUSD schools and serves as the framework within which all District SWPBS practices must be applied. All schools received training during the 2007-2008 school year, and at this time, each school within LAUSD is expected to have in a place a SWPBS and discipline plan consistent with the policy’s requirements.

LAUSD’s SWPBS policy ensures that every student, pre-school through adult, has the right to be educated in a safe, respectful and welcoming environment.^{vi} Also, every educator has the right to teach in an atmosphere free from disruption and obstacles that impede learning. The District’s adoption of this foundation policy establishes a framework for developing, refining and implementing a culture of discipline conducive to learning. Before consequences are given, students must first be supported in learning the skills necessary to enhance a positive school climate and avoid negative behavior.

The key features of a successful SWPBS system include:

- Team-based implementation and administrative support.
- Parent and community collaboration and involvement.
- Clear behavioral expectations that are taught and reinforced.
- Use of alternatives to suspension or class removal.
- A consistent discipline policy and intensive interventions for high-risk students.
- Data-based decision-making.

^v “Redefining Dignity in Our Schools: A Shadow Report on School-Wide Positive Behavior Support Implementation in South Los Angeles, 2007-2010 “(June 2010).

^{vi} LAUSD Policy Bulletin 3638.0



**Los Angeles County
Office of Education**
Leading Educators • Supporting Students • Serving Communities
Division of Student Support Services
Child Welfare and Attendance Unit

Notice of Appeal
(Pupil Expulsion)

MUST BE FILED WITHIN 30 CALENDAR DAYS

Date Received: _____ Received By: _____

Student and School District

Name of Pupil (Last, First and Middle Initial)		Date of Birth	Grade
Address (Number, Street, City and Zip Code)			
School District		Name of School	
Date Local Board Voted to Expel (Month/Day/Year)			

Parent(s) or Guardian(s)

First and Last Name of Parents/Guardians		Daytime Telephone Number	
Address (Number, Street,)		Cellular/Work Number	
(City and Zip Code)	Email:		

Attorney (if applicable)

First and Last Name of Attorney		Telephone Number	
Name of Law Firm		Fax Number	
Address (Number, Street,)			
(City and Zip Code)	E-mail		

Reason(s) given by the local board for expulsion (Please attach a copy of the expulsion letter)

<p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>

Why should the expulsion be set aside? (You may attach a separate piece of paper to explain this)

Note: The County Board's scope of review is limited. For an explanation of the reasons for which an expulsion may be set aside please see the back of this form.

<p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>

Hearings are normally closed to the public unless a parent/guardian asks for the hearing to be open. Do you want an open hearing? Yes No

Signature of Parent or Guardian or Adult Pupil:	Mail completed Notice of Appeal to:
X _____	DR. VICTOR THOMPSON, DIRECTOR II
Date: _____	Los Angeles County Office of Education
Note: If you have questions about completing this form, you may contact Pam Post or Robert Jacobsen at (562) 922-6897.	Division of Student Support Services
	9300 IMPERIAL HWY., ROOM ECW 253
	Downey, CA 90242-2890

PLEASE BE SURE TO PROVIDE YOUR E-MAIL ADDRESS

LOS ANGELES UNIFIED SCHOOL DISTRICT
Student Health and Human Services

OPPORTUNITY TRANSFER (OT) APPEAL PROCESS

Template letter to be provided to all parents at the time of the OT parent conference.

LOS ANGELES UNIFIED SCHOOL DISTRICT
SCHOOL'S LETTERHEAD

DATE _____

To the Parents or Guardian of _____:

District policy provides that a parent or guardian who disagrees with the designated administrator's decision to opportunity transfer the student to another school may request and be present at a review of the recommendation by following the appeal process:

First Appeal: _____, Principal of Issuing School

If necessary,

Second Appeal: _____, Operations Administrator/designee

Local District _____

Address _____

Telephone _____

The request for a review of the opportunity transfer decision must take place within two school days of that decision.

It is your responsibility to enroll your son or daughter in the assigned school pending the outcome of the appeal. All matters relating to the transferred student are the responsibility of the new school:

Name of School

Sincerely,

Designated Administrator

c: Operations Administrator

What are these codes called

I

¹ Cal. Ed. Code § 48900.5	1
² 20 USC § 1415(k)(5)(A)	1
³ 5 CCR§352	2
⁴ 5 CCR §353.	2
⁵ Cal. Ed. Code § 48900 (w)	2

II

⁶ Cal. Ed. Code § 48900.5	2
⁷ Cal. Ed. Code § 489000 (r)(1)-(4)	2
⁸ Cal. Ed. Code § 48900.5	3
⁹ Cal. Ed. Code § 48911	3
¹⁰ Cal. Ed. Code § 48911 (g).	3
¹¹ Cal. Ed. Code § 48903	3
¹² Cal. Ed. Code §§ 48900 (v), 48900.6	3

III

¹³ Cal. Ed. Code § 48911.1.	3
¹⁴ Cal. Ed. Code § 48911 (b)	3
¹⁵ Cal. Ed. Code § 48911 (c).	4
¹⁶ Cal. Ed. Code § 49070.	4
¹⁷ Cal. Ed. Code § 48918(a)	5

18 Cal. Ed. Code §§ 48918, 48918(b)(5) 5

19 Cal. Ed. Code § 48918 (b). 5

20 Cal. Ed. Code § 48918 (a). 5

21 Cal. Ed. Code § 48918(b)(2)-(3) 5

22 Cal. Ed. Code § 48918(b)(5) 5

23 Cal. Ed. Code §48985 5

24 Cal. Ed. Code § 48918(a), (c)-(d) 6

25 Cal. Ed. Code § 48918 (g). 6

26 Cal. Ed. Code § 48918 (h). 6

27 Cal. Ed. Code § 48900(s) 6

28 Cal. Ed. Code § 48915(c). Zero Tolerance offenses
are described on page 11. 6

29 Cal. Ed. Code § 48915 (b)(1)-(2) 6

30 See Cal. Ed. Code § 48918(a) 7

31 Cal. Ed. Code § 48919. 7

32 20 U.S.C. § 1415 (k)(1)(G) 7

33 Cal. Ed. Code § 48915 (c). 8

34 20 U.S.C. § 1415 (k)(1)(G) 8

35 Cal. Ed. Code § 48662(b) 12

36 34 CFR § 300.530 13

37 34 CFR §300.350(a) 13

38 Cal. Ed. Code § 48911 (a) 13

39 20 U.S.C. § 1415 (k)(1)(H) 13

40 20 U.S.C. § 1415 (k)(1)(B), See 20 U.S.C. § 1415(K)(1)(B) 13

41 20 U.S.C. § 1415 (k)(1)(B) 13

42 20 U.S.C. § 1415 (k)(1)(D)(i) 14

43 20 U.S.C. § 1415 (k)(1)(E)(i) 14

44 20 U.S.C. §§ 1415 (k)(1)(E)(i), (k)(1)(F)(iii)14

45 20 U.S.C. § 1415 (k)(1)(F)14

46 20 U.S.C. § 1415 (k)(1)(C)14

47 20 U.S.C. § 1415 (k)(1)(D)(ii).14

48 20 U.S.C. § 1415 (k)(1)(D)14

49 34 CFR §§300.530(g), 300.5214

50 20 USC § 1415(k)(1)(D); 34 CFR §300.530(d)14

51 20 U.S.C. § 1415 (k)(4)(B)15

52 20 U.S.C. § 1415 (k)(5)(A)15

53 20 U.S.C. § 1415 (k)(5)(B)15

54 This may have occurred, for example, in a Student
Support Team (SST)..16

55 20 U.S.C. § 1415 (k)(5)(C)16

56 20 U.S.C. §1415 (k)(5)(D)(i)16

57 20 U.S.C. § 1415 (k)(5)(D)(ii)16

58 20 U.S.C. § 1232g (a)(2)17

59 20 U.S.C. § 1232g(a)(1)(A)17

60 20 U.S.C. § 1232g(a)(1)(A).17

61 Cal. Ed. Code § 49069.17

62 34 CFR §99.10(d)17

63 34 CFR §99.11(b)17

64 34 CFR §99.11(a)18

65 34 CFR §99.20 (a)18

66 34 CFR §§99.20(c), 99.2118

67 34 CFR §§99.20(a), 99.21(b).18

68 20 USC § 1232g(a)(2)18

69 34 CFR §99.20(c)18

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