

Suspension/Expulsion Procedures

Since the Suspension/Expulsion Procedures can have an extremely significant impact on both the student and the school, OCS has adhered to the strictest guidelines in keeping with state educational law and district expectations.

"The procedures by which pupils can be suspended or expelled." Ed. Code § 47605(b)(5)(J)

General Discipline Policies in Place at the School with regards to Suspension and Expulsion

Ocean Charter School (OCS) implements a school-wide discipline program. The policy includes the following information:

- A description of OCS's discipline measures, grounds for suspension and expulsion, notification process to parents of suspension or expulsion, and length of suspension
- Appeal process
- Provisions for student's education while suspended

Students who do not adhere to the discipline policy and/or who violate school rules may expect consequences for their behavior, including but not limited to the following:

- Warnings
- Loss of privileges
- Notices to parents/guardians by telephone or letter
- Request for parent conference
- Suspension
- Expulsion

If a student's behavior does not improve, parents will be asked to participate in the Student Success Team process. The Student Success Team, including a school administrator, parent(s), General Education Teacher, Special Education Teacher (if applicable), and the student (ONLY if the parent, teacher(s), and administrator mutually agree it is appropriate) will work together to develop an appropriate Behavior Intervention Contract that includes modifications and intervention strategies that support the student.

Grounds for Suspension and Expulsion

OCS's rules and procedures for suspension and expulsion are intended to be consistent with state and federal laws, and to afford students due process rights. The decision to recommend suspension or expulsion of a student will be at the discretion of the Director or the administrative designees. A student may be suspended or expelled for any of the acts that are enumerated in this section and that are related to school activities of any kind. These acts may occur:

- While on school grounds
- While going to or coming from school
- During, or while going to or coming from, a school-sponsored activity

As specified in the Education Code §48900 et seq., and any other applicable sections, a pupil shall not be suspended from school or recommended for expulsion unless the Director or Board of Trustees of the school in which the pupil is enrolled determines that the pupil has:

- Recklessly caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense.

- 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 people had obtained written permission to possess the item from a certificated school employee, which is concurred in by the Director, or the designee of the Director.
- Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance listed in Chapter 2 of Division 10 of the Health and Safety Code (commencing with §11053), an alcoholic beverage, or an intoxicant of any kind.
- Unlawfully offered, arranged, or negotiated to sell any controlled substance listed in Chapter 2 (commencing with §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.
- Committed or attempted to commit robbery or extortion.
- Recklessly caused or attempted to cause damage to school property or private property.
- Stolen or attempted to steal school property or private property.
- 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.
- Committed an obscene act or engaged in habitual profanity or vulgarity.
- Had unlawful possession of, or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in §11014.5 of the Health and Safety Code.
- 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.
- Knowingly received stolen school property or private property.
- Possessed an imitation firearm.
- Committed or attempted to commit a sexual assault or committed a sexual battery.
- Harassed, threatened, or intimidated a pupil who is a complaining witness or 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.
- Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- Engaged in, or attempted to engage in hazing as defined in §32050.
- Aided or abetted the infliction or attempted infliction of physical injury to another person (suspension only).
- Committed sexual harassment (grades 4-12) as per §48900.2.
- Caused, attempted to cause, threatened to cause, or participated in an act of hate violence (grades 4-12) as per §48900.3.
- Engaged in harassment, threats, or intimidation directed against school district personnel or pupils (grades 4-12) as per §48900.4.
- Made terroristic threats against school officials, school property, or both as per §48900.7.

Procedures for Suspension and/or Expulsion and Rights of Students Ensuring Due Process

Informal Conference

When a situation involving a student arises that calls for suspension, an informal conference will be conducted by the administrative staff and teacher and will include the student and the student's parents/guardians. In the case of an emergency situation, where a clear and present danger exists that threatens the health and safety of students or school personnel, the student may be suspended without a conference. Should a student be suspended without a conference, the parent/guardian will be notified of the suspension and a conference will be held as soon thereafter as reasonably possible.

Notice to Parents/Guardians

At the time a suspension is recommended, a member of the administrative staff or designated personnel will make reasonable attempts to contact the parent/guardian immediately via telephone. If the parent cannot be reached immediately by telephone, staff will continue to follow up throughout the day or attempt to contact the parent in person (For Example: when the parent picks the student up from school). In addition, a written notification will be sent home promptly. The written notice will detail the incident and specify the grounds for suspension, including the recommended date(s) of suspension. The notice will request a conference with the parents/guardians, if one has not already been conducted, and will require parents/guardians to respond to this request immediately.

Length of Suspension

The maximum number of days of suspension for a single incident is five (5) consecutive school days, unless the administration and parents/guardians agree to a longer term or under the circumstances set forth in the expulsion procedure. For suspensions exceeding five days, a second conference will be scheduled with the parent/guardian upon completion of the fifth day of suspension to discuss the progress of the suspension. The total number of days for which a student may be suspended shall not exceed 20 school days in any school year unless the student transfers in from another school and already has a suspension record for the year. In that case, the total number of school days may be increased by 10 days for a total of 30 suspension days in that school year.

Discipline of Students with Disabilities

In the case of students with disabilities, OCS will comply with the discipline procedures as set forth in the Individuals with Disabilities Education Act (IDEA). For students who receive special education services, the maximum number of suspension days cannot exceed a total of 10 school days in a school year. OCS will follow IEP components in terms of student discipline. OCS will work with the Special Education Program Coordinator within the Local District Office that serves its geographical area if it is determined that an alternative placement is in order.

Discipline of Students with 504 Plans

Students with Section 504 Plans will be afforded the following protections: As the 504 student's cumulative suspensions approach a total of 10 days, the Student Success Team must meet to hold a re-evaluation meeting. The purpose of this meeting is to determine whether the misconduct of the student is caused by the student's disabling condition and whether the student's current educational placement is appropriate. If the student's Section 504 Plan and placement are appropriate, and if it is determined that the behavior is not the result of the student's disabling condition, the school may proceed in the same manner as it would with non-disabled students.

Provisions for Students' Education While Suspended

OCS will make all reasonable arrangements to provide the student with classroom materials and current assignments to be completed by the student at home during the suspension.

Expulsion Hearing

The decision to recommend expulsion of a student will be at the discretion of the Director or the administrative designees, while the final decision for expulsion rests with the Board of Trustees or a committee appointed by the Board of Trustees. Additionally, an expulsion may not be recommended until the Student Success Team first has had an opportunity to evaluate and review the case. Students may be recommended for expulsion if either of the following conditions exist:

- Repeated violations persist and other means of correction have been unsuccessful in bringing about an improvement in behavior.
- The severity of the violation is such that the presence of the student poses a continuing threat to the health and safety of the student or others.

Notice of the recommendation for expulsion will be provided to the student's parents as soon as reasonably possible.

Students recommended for expulsion have a right to a hearing before the Board of Trustees or a committee appointed by the Board of Trustees (at the Board's discretion) to determine the appropriateness of an expulsion. This hearing will be conducted within a period of thirty (30) days from when the school administrator determines that grounds for expulsion exist. The Director, or his designee, may suspend the student until this hearing without parental consent if doing so is reasonably necessary to protect the safety and well-being of the school and of its other students. Parents/guardians will be notified of the expulsion hearing at least ten (10) calendar days before the date of the hearing. The written notification will include:

- Date, time and place of the hearing.
- A description of facts pertaining to the incident that calls for the expulsion.
- Grounds for expulsion.
- A statement that the student and the student's parents/guardians may appear in person at the hearing, that they have the right to bring witnesses, and that they may present evidence on the student's behalf.

Alternative Educational Programs for Expelled Students

If a decision is made to expel a student from OCS, the school will work cooperatively with the student's district of residence (Student Discipline Proceedings Unit for former LAUSD students), county, and/or private schools (if the last school of attendance) to assist with the educational placement of the expelled student. As permitted by law, OCS will communicate any incident of violent and/or serious behavior to the district/school to which the student matriculates.

Due Process

OCS will develop a fair and impartial process for investigating and confirming the appropriateness of suspension and/or expulsion of any student. This process will preserve due process rights of students and parents. As set forth above, the student/parent(s)/guardian shall be granted appropriate time to prepare a response and to participate in the hearing with the Board of Trustees or the committee appointed by the Board of Trustees prior to any final decision regarding the expulsion being made.

Rehabilitation

Pupils who are expelled from OCS shall be given a rehabilitation plan upon expulsion as developed by the Board of Trustees of OCS or a committee appointed by the Board of Trustees at the time of the expulsion order, which order may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one year from the date of expulsion when the pupil may reapply to OCS for readmission.

Readmission

The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be at the sole discretion of OCS's Board of Trustees to determine whether the pupil has successfully completed the rehabilitation plan and to determine whether the pupil poses a threat to others or will be disruptive to the school environment. The pupil's readmission is also contingent upon the capacity of OCS at the time the pupil seeks readmission.

Suspension and Expulsion Periodic Review

The OSC Board of Trustees or a committee appointed by the Board of Trustees will hold an annual review of the Suspension and Expulsion Procedures to make sure that the policies and procedures are in the best interest of the school and are aligned with Education Code and the Individuals with Disabilities Education Act (IDEA). During the review, the Board of Trustees and/or a committee appointed by the Board of Trustees will make any necessary modifications to the list of offenses for which students are subject to suspension or expulsion.

List of Offenses for which a Student is Liable to be Suspended	
Discretionary	Non Discretionary
Recklessly causing either serious physical injury to another person, except in self-defense, or damage to school property or private property.	Possessing, selling, or otherwise furnishing any firearm, knife, explosive, or other dangerous object of no reasonable use to the student.
Leaving school grounds during school hours without permission	Unlawful possession, attempt to sell, or being under the influence of any controlled substance, alcoholic beverage, or intoxicant of any kind
Blatant disrespect towards those in charge or fellow students as demonstrated by using caustic or foul language or other forms of verbal aggression.	Knowingly causing or attempting to cause either serious physical injury to another person, except in self-defense, or significant damage to school property or private property.
Excessive tardiness	Committing or attempting to commit robbery or extortion.
Violation of terms set forth in a Behavior Support Contract	Committing or attempting to commit a sexual assault or committing a sexual battery.
An accumulated record of misconduct	Committing sexual harassment (Grades 4-8 only)
Making threats towards anyone.	
Continuous disruption of learning environment	

List of Offenses for which a Student is Liable to be Expelled	
Discretionary	Non Discretionary
Repeated, reckless causing of either serious physical injury to another person, except in self-defense, or damage to school property or private property.	Repeated possessing, selling, or otherwise furnishing any firearm, knife, explosive, or other dangerous object of no reasonable use to the student.
Repeated leaving school grounds during school hours without permission	Repeated unlawful possession, attempt to sell, or being under the influence of any controlled substance, alcoholic beverage, or intoxicant of any kind
Repeated blatant disrespect towards those in charge or fellow students as demonstrated by using caustic or foul language or other forms of verbal aggression.	Repeated, knowing causing or attempting to cause either serious physical injury to another person, except in self-defense, or significant damage to school property or private property.
Repeated Suspensions and/or an	Repeated committing or attempting to commit

accumulated record of misconduct.	robbery or extortion.
Repeated making threats to anyone	Repeated committing or attempting to commit a sexual assault or committing a sexual battery.
Repeated continuous disruption of learning environment	Repeated committing sexual harassment (Grades 4-8 only)