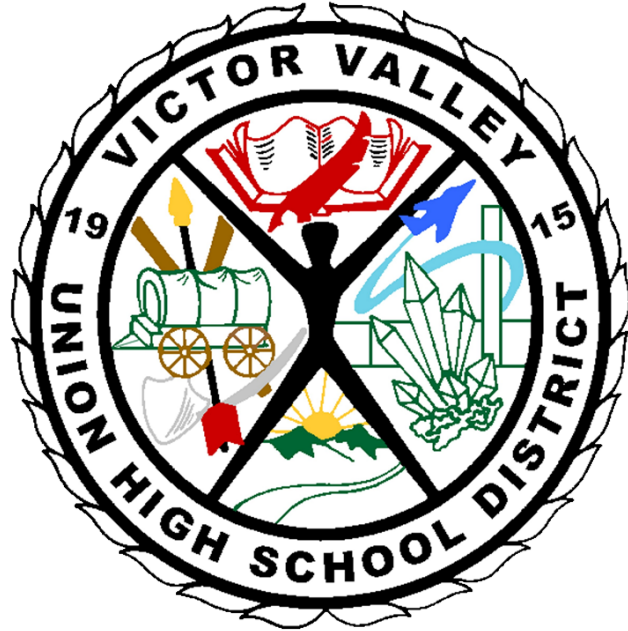


# Victor Valley Union High School District

2022-2023



## Behavior Intervention/Discipline Matrix

The District's guide for proactive intervention and consistent consequences supported by evidence based practices

## VVUHSD Discipline Matrix Team

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### Acknowledgements

**Discipline Matrix Guide adapted from:**

Bakersfield City School District *Student Discipline Code: A Guide for Administrators*

Banning Unified School District *Tiered Behavioral Invention Guide*

Buffalo Public Schools *Standards for Community-Wide Conduct and Intervention Supports*

San Bernardino City USD *Progressive Discipline Matrix*

**With information and resources from:** <http://www.pbis.org/>

## Purpose and History

The purpose of the Victor Valley Union High School District's (VUUHSD) *Behavior Intervention/Discipline Matrix* is to assist site administrators in the consistent: (a) application of administrative action(s); and (b) provision of student intervention(s) district wide.

The VUUHSD established a *Behavior Intervention/Discipline Matrix* for administrators to use as a guide in intervention decisions. At the beginning of the 2013 academic year, the VUUHSD adopted School-Wide Positive Behavior Interventions and Supports (SW-PBIS) as a researched evidenced based Multi-Tier System of Supports (MTSS) to restructure disciplinary actions and address the district disproportionality data.

The *Behavior Intervention/Discipline Matrix* integrates MTSS strategies and interventions into the Progressive Discipline Continuum to facilitate and incorporate for interventions and restorative practices as opposed to punitive practices, while utilizing data-based decision making.

Responsibilities of all educational partners (Student, Certificated and Classified Staff, and Families) are critical to the successful implementation of interventions and consequences. Students, Staff and Families must be accountable and document and implement procedures at the levels depicted below.

## Positive Behavior Interventions and Supports

Improving student behavior outcomes is about ensuring all students have access to the most effective and accurately implemented behavior systems and interventions possible. Positive Behavior Interventions and Supports (PBIS) provides an operational framework for achieving these outcomes. PBIS assists in the selection, integration, and implementation of evidence-based behavioral practices for students' behavioral and social success.

*In general, PBIS emphasizes four integrated elements:*

1. Data-based decision making;
2. Measurable outcomes supported and evaluated by data;
3. Practices with evidence that these outcomes are achievable; and,
4. Systems that efficiently and effectively support implementation of these practices.

*The four elements are guided by six important principles:*

1. Develop a continuum of scientifically based behavior interventions and supports;
2. Use data to make decisions and solve problems;
3. Arrange the environment to prevent the development and occurrence of problem behavior;
4. Teach and encourage social skills and behaviors;
5. Implement evidence-based behavioral practices with fidelity and accountability; and,
6. Universally screen and monitor student performance and progress continuously.

Schools that establish systems with the capacity to implement PBIS with integrity and fidelity have teaching and learning environments that are:

- Less reactive, aversive, dangerous, and exclusionary;
- More engaging, responsive, preventive, and productive; and,

- Proactive in addressing classroom management and disciplinary issues, including attendance, tardiness, and antisocial behavior.

PBIS schools organize their evidence-based behavioral practices and systems into an integrated collection or continuum, in which students experience support based on their behavioral responsiveness to intervention. A three-tiered prevention logic requires that all students receive support at the universal or primary tier. If the behavior of some students is not responsive, more intensive behavioral supports are provided, in the form of a group contingency (selected or secondary tier) or a highly individualized plan (intensive or tertiary tier).

The VVUHSD *Progressive Discipline Matrix* is a support guide to assist site personnel in district-wide implementation of evidence-based behavior practices and interventions. The document is also intended as a resource to administrators who are responsible for:

1. Ensuring student’s due process rights are provided;
2. Delivering fair and consistent consequences; and,
3. Communicating disciplinary actions and recommendations to the district office staff.

### **Data-Based Decision Making**

Data-based decision making is an effective system to identify and respond to student behavior. Utilizing data-based decision making strategies supports consistency in the issuance of interventions and disciplinary actions for all student groups. Discipline data from office referrals, suspensions, and expulsions are reviewed to monitor student behavior, below are frequently asked questions regarding data-based decision making in VVUHSD.

<b>Frequently Asked Questions (FAQ)</b>	
<b>Is there evidence to support the validity of analyzing Office Referral data?</b>	“Schools that are safe, effective, and violence free are not created by accident. They are environments where considerable effort has been made to build and maintain supportive school cultures. Part of this effort consists of evaluating and monitoring the types of behaviors students are exhibiting. Office Referrals are used by schools throughout the nation as one method for managing and monitoring disruptive student behavior. <i>Referrals are more than an index of student behavior; they are an index of the consistency and quality of the school’s discipline system.</i> ” (2005, Sprague & Golly. Best Behavior: Building Positive Behavior Support in Schools. Sopris West)
<b>Who is responsible for reviewing site level discipline data?</b>	It is the responsibility of all administrative and PBIS Teams to routinely review site-level discipline data for the purpose of: 1) evaluating the effectiveness of school-wide systems, 2) Identifying areas of concern (i.e., Problem Behaviors, Locations, etc.), 3) implementing specific interventions, and 4) monitoring intervention effectiveness.

	Administrators should be prepared to share site-level discipline data with their primary evaluators for the purpose of reporting the successes and challenges of building a proactive schoolwide discipline system.
<b>What is the purpose of routinely sharing Office Referral data with staff?</b>	Staff should routinely review data for the purpose of identifying and addressing the dynamics within each environment, which may be impairing student behavior and learning. It is the responsibility of the administrative and PBIS Teams to assist staff in understanding how discipline and academic data are inseparable as schools go about the business of structuring highly effective learning environments.
<b>Where is Office Referral and Suspension data stored?</b>	The district has chosen Aeries as the database in which student information is stored. The TechED and Student Services Departments provide training sessions on referral and suspension data entry as well as how to generate site-level data reports.

## **Levels of Response – Interventions and Consequences**

The student discipline matrix also applies to:

1. All school-related trips and excursions approved according to governing board standards;
2. Optional district educational programs such as summer school and after school programs.

At the principal’s discretion, a student with documented discipline problems not requiring expulsion may be removed from the remainder of an optional educational program. Before a removal occurs, the parent/guardian will receive a written notice and an opportunity to be heard in front of the principal or principal’s designee.

Understanding that interventions and consequences represent “teachable moments” is fundamental to a positive approach to discipline. The goal of progressive consequences and interventions is the teaching of social behavior. Progressive consequences seek accountability and behavioral change. Prevention of negative behavior occurs by helping students learn from their mistakes.

Essential to progressive discipline is helping students who have engaged in unacceptable behavior to:

1. Understand why the behavior is unacceptable and the harm it has caused;
2. Understand what they could have done differently in the same situation;
3. Take responsibility for their action;
4. Be given the opportunity to learn social strategies and skills to use in the future; and,
5. Understand the progression of more stringent consequences if the behavior reoccurs.

Consequences and interventions are most effective with students when they face the problem directly in a way that is fair and impartial. These procedures were developed to establish a uniform discipline code for the District; it is expected that this code would be followed and consistently enforced throughout the VVUHSD. All District school staff who are authorized to impose disciplinary actions are expected to do so in a prompt, fair, and lawful manner and to place emphasis on the student’s ability to grow in self-discipline.

To correct the behavior of any student who is subject to discipline, the principal/designee should, to the extent allowed by law, first use an alternative(s) to suspension. Except for single acts of a grave nature or multiple offenses, suspension or expulsion is used only when other means of correction have failed to bring about proper

conduct or the student's presence causes a continuing danger to self or others. All District school staff are to assure due process for students. When choosing interventions and consequences for a student's behavior the district school staff should consider the factors listed below.

1. Age, health, maturation and disability or special education status of the student
2. Student's prior conduct and record of behavior
3. Student's understanding of the impact of their behavior
4. Student's willingness to repair the harm caused by their behavior
5. Seriousness of the behavior offense and the degree of harm caused
6. Impact of the incident on overall school community
7. Whether the student's violation threatened the safety of any student or staff member
8. The likelihood that a lesser intervention or consequence would adequately address the violation

When students are disruptive, or act inappropriately, and following consideration of the factors previously mentioned the district school staff shall determine the level of consequence and intervention needed to assist the student in bringing about proper conduct. Consequences should be paired with an appropriate intervention. The following levels of interventions and consequences shall be applied in a logical, appropriate, and consistent manner.

Provided on the following pages are guides outlining specific components of the progressive discipline matrix to include:

- Levels of Response – Interventions and Consequences for Level 1 through Level 5; and,
- Inappropriate or Disruptive Behavior of Response for Level 1 through Level 5.

Level 1	Level 2	Level 3	Level 4	Level 5
Classroom Managed – Teachers are encouraged to try classroom management strategies.	Office Discipline Referral – Used to stress the seriousness of the behavior while keeping the student in school.	OCI/OSS- Used to remove students from the classroom or school environment when Levels 1 & 2 consequences failed to bring proper conduct.	OSS – Used when removal from school environment is needed due to the severity of the behavior.	Expulsion – Used when the removal from school and referral for alternative placement or expulsion for a violation as specified in Education Code.

Examples of Classroom Managed Responses			
These interventions aim to teach correct and alternative behavior so students can learn and demonstrate safe and respectful behavior. Teachers are encouraged to try a variety of teaching and classroom management strategies. Below are possible interventions and consequences that may be used.			
Level 1	Responsibilities	Interventions	Consequences
	<ul style="list-style-type: none"> <li>• Establish positive relationship with student</li> <li>• Teach behavioral expectation</li> <li>• Pre-correction and redirection</li> <li>• Establish Buddy Teacher system</li> <li>• Daily progress report for behavior</li> <li>• Increase positive recognition</li> <li>• Goal setting with student</li> <li>• Document all interventions</li> </ul>	<ul style="list-style-type: none"> <li>• Contact parent</li> <li>• Verbal corrective feedback</li> <li>• Parent conf w/ COU</li> <li>• Parent/Guardian conference</li> <li>• Referral to MHC</li> <li>• Buddy Teacher Check In</li> <li>• Parent Conf w/ADM</li> <li>• Buddy Tea Conf.</li> <li>• Teacher and Student conference</li> </ul>	<ul style="list-style-type: none"> <li>• Out of class timeout</li> <li>• Loss of classroom privilege</li> <li>• In class time out</li> <li>• Student written reflection</li> <li>• ADM notification</li> </ul>
Examples of Site Responses			
Level 2	These interventions and consequences used in response to an office discipline referral, aim to correct behavior by stressing the seriousness of the behavior while keeping the student in school. Interventions often involve support staff and aim to engage the student's support system to ensure successful learning, consistency, and change the conditions that contribute to the student's inappropriate or disruptive behavior. Below are possible interventions and		

consequences that may be used. Level 1 interventions and consequences may still apply.			
	<b>Responsibilities</b>	<b>Interventions</b>	<b>Consequences</b>
	<ul style="list-style-type: none"> <li>• Collaborative problem solving</li> <li>• Establish positive relationship with student</li> <li>• Mentoring</li> <li>• Refer for educational/psychological evaluation</li> <li>• Refer to school/community based mental health</li> <li>• Document all interventions</li> </ul>	<ul style="list-style-type: none"> <li>• Refer to SST/Individual Education Plan (IEP)/504 team</li> <li>• Develop/revise positive behavior plan/contract</li> <li>• Check In/Check Out</li> <li>• Refer for substance abuse intervention</li> <li>• Probation Intervention classes</li> <li>• Conflict Resolution</li> <li>• Parent/Guardian notification required</li> <li>• Refer to counselor</li> <li>• Change of class</li> <li>• Conference with student</li> <li>• Relationship development action</li> <li>• Restorative conferencing</li> <li>• Conference with SRO/Probation</li> </ul>	<ul style="list-style-type: none"> <li>• Detention/time out</li> <li>• Student verbal or written apology</li> <li>• Remove privilege/restrict activity</li> <li>• Restitution/community service</li> <li>• No-Contact Contract</li> <li>• Referral to ADM</li> <li>• Community Service</li> </ul>
<b>Examples of Site Removal Responses</b>			
Level 3 & Level 4 interventions and consequences involve short term removal of a student from the school environment due to the severity of the behavior or because Level 1 and Level 2 interventions/consequences have failed to bring about proper conduct. Level 1 and Level 2 interventions and consequences may still be applied in addition to those listed in Level 3.			
<b>Level 3</b>	<b>Responsibilities</b>	<b>Interventions</b>	<b>Consequences</b>
	<ul style="list-style-type: none"> <li>• Least Restrictive Environment</li> <li>• Opportunity to Complete Work</li> <li>• Opportunity to Correct Behavior</li> <li>• Due Process</li> </ul>	<ul style="list-style-type: none"> <li>• Develop Behavior Support Plan(details related to IEP conditions)</li> <li>• Revise positive behavior plan</li> <li>• Revise 504/IEP (for Students with Disabilities)</li> <li>• Restorative Justice re-entry conferencing</li> <li>• Parent/Guardian notification required</li> <li>• OCI- with Behavior Interventions</li> <li>• MHC Referral/Classes</li> </ul>	<ul style="list-style-type: none"> <li>• Teacher Suspension (1-2 days)</li> <li>• In-school Suspension (1 to 2 days)</li> <li>• Outside Suspension (1 to 3 days)</li> <li>• SART/SARB</li> <li>• Saturday School</li> <li>• Community Service</li> <li>• Behavior Contract</li> <li>• Remove privilege/restrict activity</li> </ul>
<b>Examples of Administrative Removal Responses</b>			
Level 4 intervention and consequences involves the long term removal of the student from the school environment due to the severity of the behavior or because Levels 1, 2, and 3 Interventions and consequences have failed to bring about proper conduct. These consequences focus on protecting the safety of the school community and ending self-destructive and dangerous behavior. Level 1, 2, and 3 interventions and consequences may still be applied, if appropriate.			
<b>Level 4</b>	<b>Responsibilities</b>	<b>Interventions</b>	<b>Consequences</b>
	<ul style="list-style-type: none"> <li>• Least Restrictive Environment</li> <li>• Opportunity to Complete Work</li> <li>• Opportunity to Correct Behavior</li> <li>• Due Process</li> </ul>	<ul style="list-style-type: none"> <li>• Manifestation Determination</li> <li>• Revise Behavior Support Plan(details related to IEP conditions)</li> <li>• Revise positive behavior plan</li> <li>• Restorative Justice re-entry conferencing</li> <li>• Parent/Guardian notification required</li> <li>• OCI- with Behavior Interventions</li> <li>• Alternative educational placement</li> <li>• Referral for SST</li> <li>• Probation Classes</li> <li>• MHC Referral/Classes</li> </ul>	<ul style="list-style-type: none"> <li>• Teacher Suspension (1-2 days)</li> <li>• In-school Suspension (1 to 2 days)</li> <li>• Outside Suspension (3 to 5 days)</li> <li>• SART/SARB</li> <li>• Saturday School</li> <li>• Community Service</li> <li>• Behavior Contract</li> <li>• Remove privilege/restrict activity</li> <li>• Refer for expulsion (<i>depending on Ed Code Violation</i>)</li> </ul>
<b>Recommendation for School Expulsion</b>			
Level 5 intervention and consequences involve removal from school and referral for alternative placement or expulsion for violations as specified in the Education Code.			
<b>Level 5</b>	<b>Responsibilities</b>	<b>Interventions</b>	<b>Consequences</b>
	<ul style="list-style-type: none"> <li>• Least Restrictive Environment</li> <li>• Opportunity to Complete Work</li> <li>• Opportunity to Correct Behavior</li> <li>• Due Process</li> </ul>	<ul style="list-style-type: none"> <li>• Manifestation Determination</li> <li>• Parent/Guardian notification required</li> <li>• OCI- with Behavior Interventions</li> <li>• Alternative Educational Placement</li> <li>• Referral for SST</li> <li>• Probation Classes</li> </ul>	<ul style="list-style-type: none"> <li>• Outside Suspension (5 days)</li> <li>• District Behavior Contract</li> <li>• Plan of Rehabilitation</li> <li>• Refer for Expulsion (<i>depending on Ed Code Violation</i>)</li> </ul>



Level 1: Classroom Managed – Teachers are encouraged to try classroom management strategies.	Level 2: Office Discipline Referral – Used to stress the seriousness of the behavior while keeping the student in school.	Level 3: OCI/OSS- Used to remove student from the classroom or school environment when Levels 1 & 2 consequences failed to bring proper conduct.	Level 4: OSS – Used when removal from school environment is needed due to the severity of the behavior.	Level 5: Expulsion – Used when the removal from school and referral for alternative placement or expulsion for a violation as specified in Education Code.		
<p><b>Note: If the problem behavior is assigned to two or more Levels then whenever possible, the lowest Level of intervention and consequences should be used first. A Level 3 or above response may only be given if other means of correction have failed to bring about proper conduct; or due to the nature of the act, the student's presence causes a danger to self pr others; or suspension is authorized by law. In accordance with law, a Level 3 response may be used on a first offense for behaviors marked with an asterisk (*).</b></p>						
	Level 1	Level 2	Level 3	Level 4	Level 5	Required Law Enforcement Notification
<b>48900- Interventions required</b>						
(a)(1) Caused, attempted to cause, or threatened to cause physical injury to another person.	•	•	•	•	•	
(a)(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 such object, 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) Stole or attempted to steal school property or private property	•	•	•	•		
(h) Possessed or used tobacco, or any products containing 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.	•	•	•	•		

Level 1: Classroom Managed – Teachers are encouraged to try classroom management strategies.	Level 2: Office Discipline Referral – Used to stress the seriousness of the behavior while keeping the student in school.	Level 3: OCI/OSS- Used to remove students from the classroom or school environment when Levels 1 & 2 consequences failed to bring proper conduct.	Level 4: OSS – Used when removal from school environment is needed due to the severity of the behavior.	Level 5: Expulsion – Used when the removal from school and referral for alternative placement or expulsion for a violation as specified in Education Code.		
<p><b>Note: If the problem behavior is assigned to two or more Levels then whenever possible, the lowest Level of intervention and consequences should be used first. A Level 3 or above response may only be given if other means of correction have failed to bring about proper conduct; or due to the nature of the act, the student's presence causes a danger to self or others; or suspension is authorized by law. In accordance with law, a Level 3 response may be used on a first offense for behaviors marked with an asterisk (*).</b></p>						
	Level 1	Level 2	Level 3	Level 4	Level 5	Required Law Enforcement Notification
<b>48900</b>						
(l) Knowingly received stolen school property or private property.	•	•	•	•		
(m) Possessed an imitation firearm. As used in this section, it means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.		•	•	•	•	•
(n) Committed or attempted to commit a sexual assault as defined in Section 261,266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code		•	•	•	•	•
(o) 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.		•	•	•	•	
(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, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel.	•	•	•	•	•	
<b>48915: (a) Mandatory Recommendations, Permissive Expulsions</b>						
(1) Causing serious physical injury to another person, except in self defense				•	•	
(2) Possession of any knife, explosive, or other dangerous object of no reasonable use to the pupil.				•	•	•
(3) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 1053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis. (For second offense, any amount, expulsion recommendation is mandatory. (AR 5131.6)				•	•	•
(4) Robbery or extortion.				•	•	•
(5) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.				•	•	•
<b>48915: (c) Mandatory Expulsions (one year from date of expulsion)</b>						
(1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This					•	•

subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district							
(2) Brandishing a knife at another person. As used in this section, “knife” means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade longer than 3 ½ inches, a folding knife with a blade (any size) that locks into place, or a razor with an unguarded blade						•	•
(3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code. (any amount)						•	•
(4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.						•	•
(5) Possession of an explosive.						•	•

<b>Level 1:</b> Classroom Managed – Teachers are encouraged to try classroom management strategies.	<b>Level 2:</b> Office Discipline Referral – Used to stress the seriousness of the behavior while keeping the student in school.	<b>Level 3:</b> OCI/OSS- Used to remove students from the classroom or school environment when Levels 1 & 2 consequences failed to bring proper conduct.	<b>Level 4:</b> OSS – Used when removal from school environment is needed due to the severity of the behavior.	<b>Level 5:</b> Expulsion – Used when the removal from school and referral for alternative placement or expulsion for a violation as specified in Education Code.
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**Note: If the problem behavior is assigned to two or more Levels then whenever possible, the lowest Level of intervention and consequences should be used first. A Level 3 or above response may only be given if other means of correction have failed to bring about proper conduct; or due to the nature of the act, the student’s presence causes a danger to self or others; or suspension is authorized by law. In accordance with law, a Level 3 response may be used on a first offense for behaviors marked with an asterisk (\*).**

	Level 1	Level 2	Level 3	Level 4	Level 5	Required Law Enforcement Notification
<b>EDUCATION CODE 48900.2: SEXUAL HARASSMENT:</b>						
In addition to the reasons specified in Section 48900, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed sexual harassment as defined in Section 212.5. For the purpose of this chapter, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual’s academic performance or to create an intimidating, hostile, or offensive education environment. This section shall not apply to pupils enrolled in kindergarten and grades 1 to 3, inclusive. (Add. Stats. 1992, Ch. 909).		•	•	•	•	• S
<b>EDUCATION CODE 48900.3: HATE VIOLENCE:</b>						
In addition to the reasons specified in Sections 48900 and 48900.2 a pupil in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, threatened to cause, or participated in an act of, hate violence		•	•	•	•	•
<b>EDUCATION CODE 48900.4: HARASSMENT, THREATS, OR INTIMIDATION:</b>						
In addition to the grounds specified in Sections 48900 and 48900.2, a pupil enrolled in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of		•	•	•	•	Student return to class based on:  1. Risk Assessment on the the Situation

<p>materially disrupting class-work, creating an intimidating or hostile educational environment. A pupil may not be suspended or expelled for any of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or expelled for acts which are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following: (1) While on school grounds. (2) While going to or coming from school. (3) During lunch period whether on or off the campus. (4) During, or while going to or coming from, a school sponsored activity. It is the intent of the Legislature that alternatives to suspensions or expulsion be imposed against any pupil who is truant, tardy, or otherwise absent from school activities.</p>						<p>2. Mandatory Enrollment in MHC/Probation Classes for incident</p> <p>3. Teacher /Student/Admin Conference for Intake</p> <p>4. Other Corrections as needed</p>
<p><b>EDUCATION CODE 48900.7: SUSPENSION OR EXPULSION FOR TERRORISTIC THREATS:</b></p>						
<p>(a) In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both. (b) For the purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family. (Add. Stats. 1997, Ch. 405)</p>		•	•	•	•	•

*EDUCATION CODE 48900.5: REQUIRED OTHER MEANS OF CORRECTION/EXCEPTIONS: "At the very minimum...students who are threatened with removal from school, depriving them of the fundamental right to a publicly financed education, are entitled to notice of the grounds for the removal and an opportunity to be heard." (Goss v. Lopez) Suspension shall be imposed only when other means of correction fail to bring about proper conduct. However, a pupil, including an individual with exceptional needs as defined in Section 56026, may be suspended for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process.*

*EDUCATION CODE 48900.6: DISCIPLINARY ACTION/COMMUNITY SERVICE: Instead of disciplinary action prescribed by this article, the principal of a school, the principal's designee, or the superintendent of schools, or the governing board, may require a pupil to perform community service on school grounds during non-school hours. For the purposes of this section "community service" may include, but is not limited to, work performed on school grounds in the areas of outdoor beautification, campus betterment, and teacher or peer assistance programs. This section shall not apply to instances where suspension or expulsion is required by this article. (Add. Stats. 1995, Ch. 972).*

*EDUCATION CODE 48900.8: SUSPENSION, EXPULSION, PARENT NOTIFICATION AND STATE DEPARTMENT OF EDUCATION REPORT: For purposes of notification to parents, and for the reporting of expulsion or suspension offenses to the State Department of Education, each school district shall specifically identify, by offense committed, in all appropriate official records of a pupil each suspension or expulsion of that pupil for the commission of any of the offenses set forth in subdivisions (a) to (o), inclusive, of subdivision (a) of, or paragraphs (1) to (4), inclusive of subdivision (c) of, Section 48915. (Add Stats. 1997, Ch637).*

## **Conducting a Thorough Investigation**

In response to *Goss vs. Lopez*, California Education Code requires the governing board of a school district to establish strict procedures and protocols regarding the suspension and expulsion of students. According to the Education Code, any decision to suspend or expel a pupil must be based upon “substantial evidence” which follows a thorough investigation by school officials.

“Substantial evidence” is a legal term which requires evidence to be: 1) reasonable in nature, 2) credible, and 3) of solid value. When conducting an investigation for the purpose of suspension or expulsion, administrators must ensure they gather evidence which would be considered “substantial” by a group of “reasonable people.”

The following types of evidence may be used alone, or in any combination, to establish “substantial evidence” so long as it is of the quality and credibility to prove the allegation.

- Direct evidence conclusively proves a fact without inference or presumption.
  - Examples of direct evidence include: credible eyewitness testimony, sworn written student admission, and audio or video recordings.
- Circumstantial evidence requires an inference or presumption of fact.
  - Examples of circumstantial evidence include: a weapon found on the scene or controlled substance found on the scene.

Prior to suspending or recommending a student for expulsion, administrators must conduct a thorough investigation following all due process requirements. Suspension and expulsion recommendations which do not follow a thorough investigation may be reversed — i.e., the suspension expunged from the record, the recommendation for expulsion is terminated, and the student returned to the recommending site.

## **Procedures for Gathering Evidence**

1. Disciplinary notes must:

- Provide a clear outline of the incident — all descriptions should be brief, easily understood, arranged in chronological order, and provide an accurate portrayal of the details;

Indicate the exact time and date of the incident;

- Specify the name of person(s) present or involved in any degree — include all adult witnesses, student witnesses, and potential suspects; and,
- Indicate the location of the incident.

2. Witness statements must:

- Be collected from all witnesses;

- Be conducted at the time of the incident — if circumstances prohibit interviewing witnesses at the time, interviews must be conducted as soon as possible;
- Be in the witnesses’ original handwriting — except in cases of disability;

Be as specific and detailed as possible;

- Be reviewed for clarity;
- Include date/location where written; and,
- Contain all names of accused and/or victims.

3. Administrator statements must be accurate and factually based.
4. All evidence submitted — photos, maps, and diagrams — must clearly relate to the alleged violation.
5. All conclusions must be based solely on the facts in evidence — personal opinions may not be included.
6. The appropriate Education Code violation must be determined once all facts are gathered.
7. Written documentation of the investigation findings must be included in the discipline file for all suspension.

School officials have a responsibility to conduct thorough investigations and respond immediately to pertinent California Education Code (EC) violations. Provided below are frequently asked questions regarding Education Codes related to suspension and expulsion.

### **Suspension and Expulsion Education Codes**

<b>Frequently Asked Questions (FAQ)</b>	
<b>Does a student have to violate the Education Code on campus in order to be suspended?</b>	A pupil may be suspended or expelled for acts that occurred at any time including, but not limited to: <ul style="list-style-type: none"> <li>• While on any school grounds,</li> <li>• While going to or coming from school,</li> <li>• During the lunch period, whether on or off campus,</li> <li>• During, or while going to or coming from, any school sponsored activity. [48900 (s)]</li> </ul>
<b>What’s the difference between an EC 48900 and EC 48915 violation?</b>	Both 48900 and 48915 sections of the CA Education Code outline violations which may result in the suspension or expulsion of a pupil. A number of violations are listed in both sections of the code including, but not limited to: fighting, possessing a dangerous object or explosive, possessing/selling drugs, and sexual assault. EC 48915 violations are reserved for more serious cases and carry an expectation that expulsion will be considered/recommended even on a first offense.
<b>Can students be suspended or expelled for tardies, truancies, or lack of attendance?</b>	“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.” EC 48900 (w)

## APPENDICES

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## Examples of Ed Code Violations and Steps

### **A1 — CA EC 48900 (a)(1) Caused, attempted to cause, or threatened to cause physical injury to another person.**

**EXAMPLES:** Verbal altercation; Verbally threatening bodily harm; Fighting: pushing/shoving (i.e. minor scuffle), no injury or minor injury without medical attention — small scratch or abrasion, etc.

The following must be submitted in order to substantiate an **A1 recommendation for expulsion**:

Evidence the student has participated in a verbal or physical altercation or has attempted to cause injury to someone by making a verbal or written threat to another person on school grounds

- Documentation by the administrator and statements by the victim and witness(es)
- Statement by accused agreeing they committed the violation, as stated by the administration

### **A2 —CA EC 48900 (a)(2) Willfully used force or violence upon the person of another, except in self-defense.**

**EXAMPLES:** Fight causing cuts/injuries with minor bleeding, bruised or black eye, bloody nose (no broken bones). **In cases of “serious injury” consider using an EC48915 code** such as: **EC 48915(a)(1)** fighting: serious injury/assault, or **EC 48915 (a)(5)** assault/battery of staff. (Refer to page 26-27 for further information.)

The following must be submitted in order to substantiate an **A2 recommendation for expulsion**:

Evidence the student, while under the jurisdiction of the school and without provocation, participated in a physical altercation causing minor trauma to the victim

- Statements by: victim, credible witness(es)
- Statement by accused agreeing they committed the violation, as stated by administration
- Photographic evidence of the injury — extent of injury must be visible
- Documentation of medical intervention(s) for victim

### **B —CA EC 48900 (b) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object.**

**EXAMPLES:** BB gun using plastic pellets; Non-locking knives under 2 1/2 inches; Objects not intended to be used in a harmful manner — unsharpened screwdriver, Leatherman tool, swiss army knife, butter or steak knife

**Consider using an EC 48915 code in cases where:** 1) the blade is greater than 2 1/2 inches long, 2) the blade locks, 3) the student is in possession of a self-made/handmade explosive or dangerous object designed for harm.

Possible **EC 48915 codes** to consider include: **EC 48915 (a)(2)** possession of knife/ dangerous object; **EC 48915 (c)(1)** possessing, selling, furnishing a firearm; **EC 48915 (c)(2)** brandishing a knife; or **EC 48915 (c)(5)** possession of an explosive. (Refer to pages 26-28 for further information.)

The following must be submitted in order to substantiate a **B recommendation for expulsion**:

- Description (length, color, size) and photograph of the object
- Statements by: accused, witness(es)
- Documentation from anonymous witness(es), EC 48918(f)
- Copy of mandatory Police report



**C — CA EC 48900 (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of a controlled substance, alcohol, or intoxicant.**

**EXAMPLES:** Alcohol; Marijuana; Hashish; Authorized possession of prescription drugs; Spray cans, Nitrous oxide, etc. **For more serious incidents involving possession of methamphetamines, cocaine, crack, unauthorized prescription drugs, or other controlled substances consider using an EC48915 code** such as: **EC 48915 (a)(3)** possession of drugs, alcohol, or any controlled substance.

*Note: All first-time drug violators (solely EC 48900[c]) must be assigned to Probation Drug Prevention Classes. Parents must agree to the terms of the program in lieu of a recommendation for expulsion. Failure to adhere to the program may result in a mandatory recommendation for expulsion. This does not apply to the selling of illegal drugs on campus.*

The following must be submitted in order to substantiate **C recommendation for expulsion:**

Evidence the student was found in possession of, or under the influence of, an identified controlled substance (alcohol/intoxicant); trained personnel include: school nurses, police officers, CSO's, and resource officers

- Photographic evidence of the controlled substance
- If applicable, test results which identify the substance found — consult Campus Security and/or School Police
- Admission by the accused of possession or use of controlled substance while under jurisdiction of school
- Statements by witness(es) and/or documentation from anonymous witness(es), EC 48918(f)

**D — CA EC 48900 (d) Unlawfully offered, arranged, or negotiated to sell a controlled substance, an alcoholic beverage, or an intoxicant of any kind and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or an intoxicant.**

**EXAMPLES:** Controlled substances; Marijuana; Hashish; Alcohol; Toxic inhalants such as spray cans; Nitrous oxide, etc. **Substances represented as a controlled substance:** oregano for marijuana, over the counter nonprescription drugs for a controlled substance, etc.

**For more serious incidents such as possession of methamphetamines, cocaine, crack, heroin, LSD, PCP, or unauthorized prescription drugs for the purpose of selling, consider using an EC 48915 (c)(3) unlawfully selling a controlled substance.**

The following must be submitted in order to substantiate a **D recommendation for expulsion:**

- Photographic evidence of the sold controlled substance, or substance represented as such
- Test results of the controlled substance; both school security and School Police are qualified to conduct testing
- Statements by witness(es) reporting sales (i.e. money collected for drugs, etc.)

Confiscate all evidence and give it to law enforcement.

**E — CA EC 48900 (e) Committed or attempted to commit robbery or extortion.**

**EXAMPLES:** A student demands money from another person. “Give me money or I’ll get you later!” Robbery is defined as the taking of personal property in the possession of another against his/her will, accomplished by means of fear and/or force. Extortion is defined as blackmail. **For serious incidents where violence is indicated or a weapon is brandished/used, consider using EC 48915 (a)(4)** robbery, extortion, grand theft: violence indicated. (Refer to page 26-27 for further definitions and information.)

The following must be submitted in order to substantiate an **E recommendation for expulsion:**

- Statements by: victim, direct witness(es) and supporting witness(es) to the act of robbery or extortion
- Interviews from: accused and witness(es) named by the accused

**F — CA EC 48900 (f) Caused, or attempted to cause, damage to school or private property.**

**EXAMPLES:** Defacing school property; Graffiti (permanent damage)

The following must be submitted in order to substantiate an **F recommendation for expulsion:**

- Photographic evidence of the defaced property — school / private
- Statements by: witness(es), accused
- Statement by the Campus Security Officer (CSO) — recommended
- Assessment of damage to the school site — Fiscal Services

**G — CA EC 48900 (g) Stolen, or attempted to steal, school or private property.**

**DEFINITIONS:** Petty theft (less than \$400.00); Grand theft (over \$400.00)

The following must be submitted in order to substantiate a **G recommendation for expulsion:**

- Direct evidence or testimony supporting the act of stealing
- Amount or cost of the item stolen or attempted to be stolen
- Statements by: witness(es), accused □ Interview with the accused

**H — CA EC 48900 (h) Possessed or used tobacco or any products containing tobacco or nicotine.**

**EXAMPLES:** Tobacco; Nicotine products; Cigarettes; Cigars; Miniature cigars; Clove cigarettes; Smokeless tobacco; Snuff; Chew packets; Betel

Refer student to a tobacco cessation program — contact School Probation for information.

The following must be submitted in order to substantiate an **H recommendation for expulsion:**

- Evidence administration has provided 3 or more warnings regarding possessing/smoking tobacco on campus

**I — CA EC 48900 (i) Committed an obscene act or engaged in habitual profanity or vulgarity.**

**EXAMPLES:** Committed an obscene act (excluding sexual harassment); Habitual profanity; Profanity directed toward a school employee

The following must be submitted in order to substantiate an **I recommendation for expulsion:**

- Direct evidence and admission by the accused

- Documentation of the incident(s) involving the use of profanity, obscenity, or habitual profanity
- Anecdotal record, if continuous violation
- Statements by: witness(es)
- Evidence all means of correction have been exhausted on site
- Documentation of the student’s response to systematic behavior intervention (progress monitoring data)

While it is not typical for a student to be expelled for this violation alone, it is possible when the misbehavior results in extreme problems on campus. Generally this violation is coupled with a more severe violation.

**J — CA EC 48900 (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia.** “Drug paraphernalia” as defined by Section 11014.5 of the Health & Safety Code includes all equipment, products and materials of any kind which are designed for use, or marketed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, packaging, re-packaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this division.”

**EXAMPLES:** ZigZag papers; Roach clips; Syringes; Needles; Chamber pipes; Bongs

The following must be submitted in order to substantiate a **J recommendation for expulsion:**

- Direct evidence, such as photographs
- Evidence the items are within the Health and Safety Code Section 11014.5
- Admission by the accused

**K — CA EC 48900 (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.**

**EXAMPLES:** Gambling; Forgery; Interference and/or obstruction of staff duties; Disruption — use a K suspension code for disruption only when the student’s behavior is so extreme staff is unable to facilitate student re-entry back into the school routine.

*Note: Per Ed Code and effective January, 2020; 48900 k is not expellable*

**L — CA EC 48900 (l) Knowingly received stolen school or private property.**

The following must be submitted in order to substantiate an **L recommendation for expulsion:**

- Documentation the accused has, and/or has received, stolen property
- Photographic evidence of stolen item(s)
- Estimated value of item(s)
- Statements by: witness(es) — may be used as direct evidence
- Statement by the accused agreeing they committed the violation

**M — CA EC 48900 (m) Possessed an imitation firearm — as used in this section, “imitation firearm” means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude the replica is a firearm.**

An extension of suspension is not necessary if the weapon is not real. If the imitation firearm was used in conjunction with other violations (**A-1, B, R**), then a recommendation for expulsion may be appropriate.

The following must be submitted in order to substantiate an **M recommendation for expulsion**:

- Photographic evidence of the imitation firearm
- Statements by: accused and direct witness(es)
- Statement(s) by: Campus Security Officer and/or Campus Security Assistant

**N — CA EC 48900 (n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed sexual battery as defined in Section 243.4 of the Penal Code.**

**EXAMPLES:** Verbal threat of sexual assault; Physical attempt which is not carried out

**In cases of intentional touching of body parts, assault, or rape consider using EC 48915 (c)(4) committing or attempting to commit a sexual assault. (Refer to page 28 for further information.)**

In cases of sexual harassment and assault, it is necessary for the administrator to collect thorough documentation of the incident and carefully handle statements given by the victim and the accused.

In cases where testifying in the presence of the accused perpetrator could cause serious psychological harm, the victim may be allowed to testify in a closed session hearing, separate from the accused. Such requests must be provided by the site administrator to the district Hearing Panel at the time the recommendation for expulsion is submitted.

The following must be submitted in order to substantiate an **N recommendation for expulsion**:

- Report to Law Enforcement and Case/Incident Number (**Mandatory**)
- Statements by: School Police and/or Campus Security Officer(s)
- Statement by: witness(es), if applicable

**O — CA EC 48900 (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.**

The following must be submitted in order to substantiate an **O recommendation for expulsion**:

- Documentation of harassment, threats, or other forms of intimidation made by the accused to the victim
- Statements by: victim and witness(es), verifying the act(s) of harassment or intimidation

**P — CA EC 48900 (p) As defined by Section 48900 P: Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.**

**Note:** Soma is a muscle relaxer that works by blocking pain sensations between the nerves and the brain.

The following must be submitted in order to substantiate a **P recommendation for expulsion**:

- Documentation that the accused, while under the jurisdiction of the school, sold or arranged to sell Soma
- Photographic evidence
- Test results which identify the substance found; School Police is qualified to conduct such testing
- Statements by: accused, witness(es)

**Q — CA EC 48900 (q) As defined by Section 48900 (q): Engaged in, or attempted to engage in hazing.** For purposes of this subdivision, “hazing” means a method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, “hazing” does not include athletic events or school-sanctioned events.

In order to establish a link between the hazing event and the persons and/or group involved, focus the investigation around the hazing practices of the group (secret club, team, gang, etc.).

The following must be submitted in order to substantiate a **Q recommendation for expulsion**:

- Statements by: victim, supporting witness(es)
- Police report(s)
- Medical record of injury (provided by medical professional)
- Photographic evidence of weapons used in hazing activity, if applicable; examples: sticks, bats, etc.
- Statements by witness(es) verifying verbal abuse was inflicted during the incident

**R — CA EC 48900 (r) As defined by Section 48900 (r): Engaged in an act of bullying.** For purposes of this subdivision, “bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following: (A) placing a reasonable pupil(s) in fear of harm to themselves or property, or causing a reasonable pupil to experience; (B) a substantially detrimental effect on his/her physical or mental health; (C) substantial interference with his/her academic performance; and, (D) substantial interference with his/her ability to participate in or benefit from the services, activities, or privileges provided by a school.

The following must be submitted in order to substantiate an **R recommendation for expulsion**:

- Documentation of pupil’s involvement in harassment of a pupil, groups of pupils, or staff by words/active threats
- Statements by: accused, witness(es)

**R2 — CA EC 48900 (r) Sexting: Dissemination, solicitation, or incitement to disseminate a photograph, or other visual recording, by a pupil to another pupil or school personnel by means of an electronic act with the intent to humiliate or harass.** An “electronic act” is defined as the transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, including but not limited to a telephone, wireless telephone, or other wireless communication device, computer, or pager. The photograph or visual recording in question must depict a specified area of the minor’s body or a sexually explicit photograph/visual recording of an identifiable minor. Depictions, portrayals, or images of serious literary, artistic, educational, political, or scientific material are NOT included in this violation.

**EXAMPLES:** Sending, forwarding, and/or receiving of sexually explicit images through an electronic act

The following must be submitted in order to substantiate a **R2 recommendation for expulsion**:

- A copy of the photograph and/or visual recording in question
- Evidence the sexting was directed toward pupil/school personnel; include accused/victim statements

**T — CA EC 48900 (t) As defined by Section 48900 (t): Aided or abetted the infliction, or attempted infliction, of physical injury.** “Aiding and abetting” as defined in Section 31 of the Penal Code: A pupil who aids or abets in the infliction, or attempted infliction, of physical injury to another person may suffer suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to Subdivision (a).

**During investigation, the following should be carefully examined:** (1) the statement of the accused; (2) the victim’s statement; and, (3) supporting witness(es) statements.

The following must be submitted in order to substantiate a **T recommendation for expulsion:**

- Investigation reports from Campus Security
- Verbal or written threats, if applicable
- Documentation from physician verifying physical injury was inflicted (must note the severity of injury)

**Note:** This violation may apply to cases where more than one student is involved in an attempt to aid another in the infliction or intimidation of physical harm against another student on campus.

**W — CA EC 48900.2 & 212.5 Sexual Harassment as defined by Section 212.5:** The incident must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual’s academic performance or to create an intimidating, hostile, or offensive educational environment.

**EXAMPLES:** Inappropriate verbal harassment; Inappropriate gestures/movements

The following must be submitted in order to substantiate a **W recommendation for expulsion:**

- Victim statement outlining sexual harassment charges and the negative impact the incident incurred on the victim; the complaint must be signed by: victim and witness(es)
- Evidence the harassment negatively impacted the academic performance of the victim
- Evidence substantiating a hostile, intimidating, or offensive educational environment was created by the accused

**X —CA EC 48900.3 Hate violence as defined by Section 48900.3: Pupil has caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined by Section 233 subdivision (e).** As used in this section "hate violence" means any act punishable under Section 422.6, 422.7, or 422.75 of the Penal Code.

The following must be submitted in order to substantiate an **X recommendation for expulsion:**

- Determination by school officials the pupil has caused, attempted to cause, threatened to cause, or participated in an act of hate violence
- Police report(s)
- Documentation of hate violence as defined by Subdivision (e) of EC Section 233
- Statements by: victim, witness(es)
- Photographic evidence, if applicable

**Y — CA EC 48900.4 Harassment as defined by Section 48900.4:** Intentionally engaged in harassment, threats, or intimidation directed against school district personnel, or pupils that is sufficiently severe or pervasive to have the actual and reasonable expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment.

Student return to class based on:

- Risk Assessment on the the Situation
- Mandatory Enrollment in MHC/Probation Classes for incident
- Teacher/Student/Admin Conference for Intake
- Other Corrections as needed

**EXAMPLES:** Sending notes/messages of impending harm; Engaging in gang activity of revenge

The following must be submitted in order to substantiate a **Y recommendation of expulsion:**

- Documentation of involvement in the harassment of a pupil, groups of pupils, or staff by words or active threats
- Statements by: accused, witness(es)
- Police report(s)

**Z — CA EC 48900.7 Terroristic Threats as defined by Section 48900.7 (a) (b): Pupil has made terrorist threats against school officials, school property, or both.** “Terroristic threat” shall include any written/oral statement, by a person who willfully threatens to commit a crime which will result in death, great bodily injury, or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened a gravity of purpose and an immediate prospect of execution of the threat and thereby causes that person reasonably to be in sustained fear for his/her safety, his/her family’s safety, or the safety of school property.

**EXAMPLES:** Making a bomb threat or threatening injury via phone call, email, or text.

The following must be submitted in order to substantiate a **Z recommendation for expulsion:**

- Documentation the accused actively engaged in terrorist threats against school officials or school property
- Statement by: accused, witness(es)
- Police report(s)

## EC 48915 A and C VIOLATIONS

### 48915(a): Permissive Expulsion

Except as provided in subdivisions (c) and (e), the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent finds the expulsion is inappropriate, due to a particular circumstance.

Provided on the following page is a chart of definitions and examples for the subsections of EC 48915(a).

EC 48915 (a)	EC Definition	Examples
<b>(a)(1) Fighting</b>	Causing serious physical injury to another person, except in self-defense.	Fight which leads to a need for medical attention, i.e., stitches, broken bones, concussion, loss of consciousness, etc.
<b>(a)(2) Weapon</b>	Possession of any knife or other dangerous object of no reasonable use to the pupil.	Locking blade knife, knife/dagger over 2 1/2 inches, razor blades, ballistic knife, sharpened screwdriver, brass knuckles, throwing stars, black jack, billy club, sand club, nunchakus
<b>(a)(3) Possession of controlled substance</b>	Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11503) of Division 10 of the Health & Safety Code except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.	Methamphetamines, cocaine, crack, heroin, LSD, PCP, or unauthorized prescriptions drugs
<b>(a)(4) Robbery/extortion</b>	Robbery or extortion.	Grand theft robbery (>\$400.00), petty theft with violence or threat of violence, or blackmail with violence or threat of violence
<b>(a)(5) Assault/battery of staff Assault</b>	Assault or battery as defined in Section 240 (assault) & 242 (battery) of the Penal Code upon any school employee.	<b>Definitions —</b> <b>Assault:</b> an unlawful attempt coupled with a present ability, to commit a violent injury on the person of another. <b>Battery:</b> any willful and unlawful use of force or violence upon the person of another.



**48915(c): Mandatory Expulsion**

The principal or the superintendent of schools shall immediately suspend, pursuant to section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds.

EC 48915 (c)	EC Definition	Examples
<b>(c)(1) Firearm</b>	Possessing, selling, or otherwise furnishing a firearm, as verified by an employee of the school district.	Possession of a handgun, rifle, shotgun, etc.
<b>(c)(2) Brandishing a knife</b>	Brandishing a knife at another person.	Using a knife for the purpose of intimidating or threatening another person
<b>(c)(3) Sale of a controlled substance</b>	Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11503) of Division 10 of the Health & Safety Code.	Methamphetamines, cocaine, crack, heroin, LSD, PCP, or unauthorized prescriptions drugs
<b>(c)(4) Sexual assault/battery</b>	Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.	An imminent threat of harm with an apparent, present ability to carry out the threat, a harmful or offensive touching of another, rape
<b>(c)(5) Explosives</b>	Possession of an explosive.	Self or handmade explosive devices, M-80, M-100, M-250, M-1000, Quarter Stick, Silver Salute, etc.

## **Special Education and Section 504 of the Rehabilitation Act**

### **The following must be submitted in order to substantiate an expulsion recommendation:**

Under federal law students receiving Special Education services are entitled to a Manifestation Determination meeting during a Pre-Expulsion IEP which must be conducted within 10 (ten) days of the recommendation for expulsion.

The Pre-Expulsion IEP Team has the right to stop all expulsion proceedings if it is determined the misconduct was a manifestation of the student's disability.

Students who fall under the 504 educational umbrella have the right to have a Pre-Expulsion 504 Meeting prior to a recommendation for expulsion. The district 504 coordinator should conduct this meeting on-site.

Parents/Guardians must be informed of the date and time of the Pre-Expulsion IEP/504 Meeting. Their presence, although needed, is not mandatory for the Manifestation Determination IEP/504 Meeting to proceed on the scheduled date and time.

Call the District's Special Education or 504 Office for further direction and clarification.

## Definitions of Common Terms

### ***Discipline***

Discipline means *to instruct, to train in accordance with the rules, or an activity or exercise to improve a skill.*

Equipping students for behavioral and social success is a school-wide responsibility which requires the commitment and efforts of all adults — not just a select few are perceived as “disciplinarians.”

### ***Consequences***

A consequence is *the relation of a result to its cause.* Every day, thousands of consequences occur at school — a class is acknowledged for not being ready to work when the bell rings, a teacher banter with a student who disrupts instruction, a staff member corrects (or fails to correct) a student who is out of dress code. In order to effectively respond to human behavior — both staff and student — it is critical to possess a clear understanding of how consequences work, how to apply them with intention, and how to evaluate their effectiveness. It is also important to understand that “consequences”, and “interventions” are not the same..

There are four types of consequences:

<b>Penalty</b>	to LOSE something DESIRED
<b>Punishment</b>	to RECEIVE something UNDESIRED
<b>Negative Reinforcement</b>	to AVOID something UNDESIRED
<b>Positive Reinforcement</b>	to GAIN something DESIRED

Despite our best intentions, the true nature and effectiveness of a consequence can only be determined by evaluating the outcome. For example, a teacher who notices a student is off task may decide to implement the classic consequence known as the “evil eye.” One student responds with, “Oops teacher, I’m sorry” and gets back to work while another student laughs and says, “You look funny when you do that! Do it again!” Why did the same consequence produce an opposite effect? The first student perceived the consequence as a punishment, while the second saw it as a positive reinforcement. That is why it is impossible to make statements such as, “suspension is a punishment.” Depending upon the student, a suspension may function as a penalty (losing the privilege of coming to school), a punishment (receiving the stigma of being sent home from school), a negative reinforcement (successfully avoiding having to go to school), or a positive reinforcement (gaining free time at home). It is critical that educators be adept at thoughtfully implementing and evaluating the effectiveness of the consequences they deliver.

### ***Intervention***

Behavior interventions are *specific actions taken for the purpose of changing the behavior of either an individual or a group of people.* Schools may intervene in three ways:

- **Increase the Explicitness and/or Frequency of Instruction**  
The more behaviorally at-risk a person, group, or school is, the more explicit the instruction, acknowledgement, and correction of clearly defined expectations and skills must become. This is true whether supporting students or adults.
- **Modify the Environment**  
Environmental factors and dynamics which inadvertently support and/or promote misbehaviors may be addressed in a number of ways. Examples of environmental modifications include: changing school-wide policies/practices such as dress code, or the use of electronic devices, implementing new procedures, changing schedules, creating formal traffic patterns, closing down identified areas on campus/playground, re-organizing space/materials, changing interactional patterns, adopting new instructional practices, etc.
- **Address the Function**  
Misbehaviors may be addressed by identifying and addressing the purpose (function) the behavior. This requires understanding what students are able to gain or avoid by using the misbehavior.

## Majors and Minors: A Closer Look

**MINOR OFFENSES**  
are a **failure to demonstrate universally defined expectations or social skills**. All staff must be equipped to address Minor Offenses in the location where they occur (on the spot).

**MAJOR INFRACTIONS**  
are a **violation of the CA Education Code** — Sections 48900 and 48915. **EC 48915 A1, A2, A3, A4, A5 and C1, C2, C3, C4, C5** are Serious Safety violations which include: physical injury, possession of weapons, sale or possession of controlled substances, robbery, extortion, assault/battery, and sexual assault. Major Infractions are addressed by administrators.

**Failure to:**

- **Follow Instructions**
- **Stay On Task**
- **Get the Teacher’s Attention**
- **Accept Feedback and/or Criticism**
- **Accept “No” for an Answer**
- **Ask Permission**
- **Disagree Appropriately**
- **Listen**
- **Use Appropriate Voice Tone**
- **Ask for Help**
- **Give Criticism**
- **Work with Others**
- **Wait Your Turn**
- **Mind Your Own Business (MYOB)**
- **Resist Peer Pressure**
- **Properly Use Materials**
- **Comply to Dress Code**
- **Respect Personal Space**
- **Be On-Time**
- **Stay in Designated Areas**
- **Properly Dispose Trash**
- **Dress for PE**

*Chronic Minor Offenses* are misbehaviors that persist despite the application of environmental modifications and interventions.

**Suspension Codes**

- A(1) Physical injury** (caused, attempted, threatened)
- A(2) Force or violence** (except self-defense)
- B Weapons: firearm, knife, explosive, dangerous object** (possessed, sold, furnished)
- C Controlled substance, alcohol, intoxicant** (possessed, used, sold, furnished)
- D Controlled substance, alcohol, intoxicant** (offered, arranged, negotiated to sell)
- E Robbery or extortion**
- F Property damage** (school/private)
- G Stole/attempted to steal property** (school/private)
- H Tobacco or tobacco products** (possessed, used)
- I Obscene act, habitual profanity, or vulgarity**
- J Drug paraphernalia** (possessed, offered, arranged to sell)
- K Disrupted, willfully defied valid authority**
- L Received stolen property** (school, private)
- M Imitation firearm** (possessed)
- N Sexual assault** (committed, attempted)
- O Harassed, threatened, intimidated a witness**
- P Soma** (arranged to sell the drug soma)
- Q Hazing** (engaged, attempted to engage)
- R1 Bullying and/or electronic bullying**
- R2 Sexting** [EC 48900 r]
- T Physical injury** (aided or abetted)
- W Sexual Harassment** [EC 48900.2 & 2.12.5]
- X Hate violence** [EC 48900.3]
- Y Harassed, threatened, or intimidated** other pupil, groups of pupils, or staff [EC 48900.4]
- Z Terroristic threats** [EC 48900.7]

## Due Process for Students Recommended for Expulsion

VICTOR VALLEY UNION HIGH SCHOOL DISTRICT  
OFFICE OF STUDENT SERVICES EXPULSION PROCEESS

The school has charged the student with an expellable violation of Education Code 48900

### EXTENSION OF SUSPENSION MEETING

Before student returns to school district official meets with the parent/guardian, student and school administrator

During the expulsion process the suspension is extended. The student will pick up work at the school site.

### DUE PROCESS MEETING

The students and parent/guardian meet with the District Rep for Student Services who advises the student and parent of their rights and procedures

As a result of this decision the next step is either:

#### STIPULATED EXPULSION:

The parent/guardian does not want to contest the expulsion and waives the right to a hearing. The details concluded between the parent/guardian, student and district rep.

#### ADMINISTRATIVE HEARING PANEL:

The student and parent/guardian appear before a panel to contest the expulsion. The panel either recommends expulsion to the Board of Education, or votes NOT TO EXPEL the student. Both sides are heard at this meeting.

### BOARD OF EDUCATION MEETING

The Board considers the expulsion in closed session. parents/guardians are not required to go, but have the right to address the Board in closed session. The board may amend the hearing Panel's recommendation, or the Stipulated Expulsion. They will vote to either EXPEL or NOT TO EXPEL the student.

### THE STUDENT IS EXPELLED FROM THE VICTOR VALLEY UNION HIGH SCHOOL DISTRICT

Student must fulfill provisions for reinstatement into the School District such as: Attend Community Day or Continuation, Do Community Service, Attend Counseling, Other requirements.

### REINSTATEMENT

Student must be reinstatement by the Board of Education prior to returning to school. School will receive a letter from our office telling him/her/ they student come in to talk in the district rep to reinstate. It takes a least two weeks to get on the Board's Agenda. When student meeting, bring documentation of grades and attendance at Community School, Community Service and other mandatory actions such as the receipt for fulling an appointment BOARD OF EDUCATION MEETS AND FORMALLY REINSTATES Student.

## Due Process Protocol

The District has built in a systematic due process protocol for students recommended for expulsion:

**Step 1:** When a student is suspended pending recommendation for expulsion, the school site is responsible for conducting a full investigation into the incident (charges must be substantiated, all witnesses secured, facts substantiated, all elements of the charges satisfied).

If not completed the school site is 100% responsible for terminating the expulsion in the interest of justice. This process, if done correctly, allows the school site to have a fair and balanced due process protocol.

Remember once the suspension is issued the expulsion timeline starts. The case must be completed with Board approval in 40 days. If not, the case is dismissed. Therefore, schools must be diligent in gathering all information in a timely fashion.

School site must contact parents/guardians to explain the early stages of the school's rationale for submitting the recommendation for expulsion.

The suspension is a legal document signed under penalty of perjury. By signing the suspension form and proceeding to expulsion the school site is certifying that a full and complete investigation has been conducted. Embedded in that certification the school site is certifying that the investigation was conducted without bias.

**Special note:** Education code 35291 requires **ALL** students to be notified annually either at the beginning of the quarter or the semester of school rules. Without notification disciplinary action may be terminated. Therefore, school sites should have a method that ensures all students receive the rules.

**Step 2:** The school site will send a certified letter to the parent/guardian with a copy of the suspension form and any supporting information attached indicating that the student is being recommended for expulsion. This is a due process procedure that gives parents adequate notification of the charges pending.

**Step 3:** School sites are 100% responsible for a full investigation into the educational background of the student: Special Education status, 504 status, Manifestation Determination requirements, and any exculpatory evidence (circumstances that may cause the case to be terminated or proves the student's innocence), or any other issue that may be a rationale for the student's behavior. This ensures that the due process rules are reviewed. Any breach of the rules is a due process violation. Therefore, schools will want to do a thorough background search before submission to Child, Welfare, and Attendance.

**Step 4:** The school site forwards an email to Student Services with a brief description of the incident that led to the recommendation for expulsion, the charges, a very brief description of the substantial evidence, and a brief notice that special education and other rules were reviewed. This allows Student Services to spot any glaring errors during the preliminary stages of the expulsion recommendation process. This serves as both a preliminary review of procedural and substantive due process.

**Step 5:** Student Services will review the school site's email and give the school an opportunity to change, add, or delete any information that may obscure the case or become a due process issue. Student Services cannot build your case. We can only take the information you give us and check for technical violations. Remember at this time we are only operating from a brief e-mail. We have not viewed the entire scope of substantial evidence you may have.

**Step 6:** The school site must meet with the parent/guardian and student to explain the recommendation for expulsion. The Due Process Conference form should be initial indicating the meeting was held and parents were informed of the process. That form is submitted along with the expulsion folder.

At this point, the school is detailing all of the factors involved with the case and the charges pending against the student. This must be completed. The parent is given a date to meet with Student Services.

**Step 7:** After receiving the email recommendations from Student Services the school can complete the expulsion folder. The folder must be at Student Services on the 3<sup>rd</sup> day of suspension. If a student is in special education, the Manifestation Determination must be completed to give maximum due process.

Please remember that the principal's authority to suspend is only for a maximum of five (5) days. Student Services must make a determination, based on the facts of the case to extend the suspension beyond the five (5) days.

For Special Education students, Student Services only has the ability to extend the suspension of a special education student for an additional five (5) days unless the student constitutes a credible danger. In that case, Student Services can extend up to 45 days.

**Step 8:** The Principal must sign the school site recommendation for the expulsion folder. Before signing, the principal should have conducted a final and thorough due process review, ensuring that all elements of the case are complete before submission. The principal's signature on the letter to Student Services reflects that the site has done a thorough job processing the case. This provides another due process protection.

If a case is submitted, the opportunity for changes to the charges are severely limited. The adequate notification due process clause is activated. Therefore, double check folders for accuracy and legal sufficiency before submitting a case to Student Services.

**Step 9:** Once the principal has been fully vetted, the recommendation for expulsion should then be brought to Student Services. Again, the school site has three (3) days to get the expulsion folder to Student Services. This is part of the due process procedural timeline. Student Services must have the extension of suspension meeting with parents/guardians if the suspension is extended beyond the five (5) days. Without this meeting students are **legally able** to return to the school site regardless of the violation. Hence, all recommendations for expulsion folders must be submitted in a timely manner.

Remember if evidence exists that demonstrates that the parent/guardian was not contacted due process protection attaches and the case can be terminated.

**Step 10:** Student Services will login the recommendation for expulsion folder. Student Services staff will also work with school site staff to check the validity of the documents submitted. School staff will stand by while the folder is reviewed. We provide this customer service benefit to you. If any changes need to be made staff can call their school site and have documents forwarded or they may return prior to meeting with the parent with necessary procedural documents. This is a procedural due process check. It also allows for schools to make changes if errors have occurred before the case is discussed with the parent.

**Step 11:** Student Services will meet with family. Student Services will give student/parent the opportunity to provide any evidence that may prove at this stage the evidence is incorrect and the charges should be withdrawn. Under due process protocols parents have this right.

Student Services may contact students and other witnesses to seek clarity and authenticity of the evidence based on information received at the parent/guardian meeting. This due process protocol avoids cases that may not be

valid being detected prior to any litigation, community advocates, or special education due process hearings with the state.

Student Services will review the case for substantive and procedural due process issues with the parent at this meeting. Student Services will explain the charges, review the evidence with the parent, discuss witness statements with parents (unless the school site has submitted anonymous witness statements signed by the witness' parent), discuss options, and a determination will be made to either terminate the expulsion, stipulate to the expulsion, or forward to hearing.

**Step 12:** If the family/guardian stipulates to the charges (they agree the student committed the act), the hearing is waived and Student Services adjudicates the case based on the expulsion matrix and the student's previous history. The student will likely be placed on Terms and Conditions: A school assignment is made. The school assignment is made on a case by case basis and is dependent on the circumstances of the expulsion.

**Step 13:** If Student Services forwards the recommendation for expulsion to a hearing parents/guardians will receive all of the documents in the expulsion case submitted by the school site unless certain legal documents cannot be forwarded. This serves to make the system fair and balanced. Parents/Guardians must have all information against their student in order to bolster a proper defense.

This is another due process check before the case is forwarded to the Hearing Panel. The Hearing Panel will process the case for a hearing. This serves as another adequate notification of the charges pending against the student.

**Step 14:** Once a case is forwarded for a hearing the Hearing Panel exhibits the expulsion folder. The Hearing Panel does a final due process check prior to the case being heard. However, at this point if any errors have been missed due process attaches. If due process errors are found the case can be terminated.

**Step 15:** If the case is deemed appropriate the case is forwarded to a hearing and the parents receive a certified copy of all information contained in the file. This allows parents the right to defend the charges: Due process.

Special Note: This is why Student Services advises that any statements written by the school site are neutral in tone and tenor. We also suggest that you describe fully, but minimize the length of a statement. Avoid unnecessary language or statements. Such comments can be seen as portraying bias or discriminatory practices. Education code allows for cases to be terminated based on these issues.

**Step 16:** After the hearing is held, if the Hearing Panel finds that the charges are not proven the student's record is cleared and the student can return to school. However, if the charges are found, the student is under expulsion status. That status can either be: a suspended expulsion, a one (1) semester expulsion, a two (2) semester expulsion or one (1) calendar year expulsion. Suspended expulsion cases can either be assigned to county schools or placed at a new site. All others are assigned to county schools.

**Step 17:** The Hearing Panel decision is forwarded to the Board. The Board makes the final due process decision at the district level.

**Step 18:** The Hearing Panel must be independent. Student Services does not intervene before or after the hearing. Student Services does not change the Hearing Panel decision. The only exception is if a breach of procedural or substantive due process has occurred. If an issue occurred Student Services submits errors directly to the Board for notification.



**Step 19:** If parent/guardian does not agree with the Hearing Panel's decision, the parent/guardian can appeal to the Governing Board and can request a closed session meeting. The Board can decide to overturn the Hearing Panel's decision.

**Step 21:** If the Governing Board does not overturn the Hearing Panel's decision the parent has 30 days to file an appeal with the County Board of Education.

**Step 22:** If the County Board does not overturn the decision, the parent can file a Writ of Mandamus to Superior Court compelling the district to overturn the decision. If the Writ is denied, the parent can appeal all the way to the Supreme Court.

As you can see there are a lot of steps that seek to help you and protect the student. It is a significantly intricate process. Therefore, Student Services seeks to ensure the integrity of the process. School sites are given multiple opportunities to submit proper expulsion folders. You must remember that during the expulsion process, Student Services **must act as a neutral 3<sup>rd</sup> party**.

Student Services cannot prepare the case for you. We can give advice prior to submission. However, Hearing Panel members cannot give advice. The Hearing Panel must stay neutral and objective. Giving advice on a case would prejudice the Hearing Panel's decision.

All VVUHSD staff must always be seen as fair, impartial, and balanced under all circumstances. A student should never be recommended for expulsion or suspended for political, emotional, or philosophical reasons. When students receive discipline it should always be in the student's best interest and should always lead to correcting student behavior.

If a case is found to contain due process issues and sent back school sites must review their process to ensure that all staff are aware of the requirements. School sites have 100% responsibility for the accuracy and integrity of the recommendation for the expulsion folder, and must make sure the elements of the charges are satisfied.

