

To: Policy Committee  
From: Ty Alper and Susan Craig  
Date: Feb. 21, 2016  
Re: Principles for Revisions to Expulsion Policy

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We have identified a number of areas related to our expulsion policy that we would like to revise as part of our comprehensive overhaul of the whole discipline policy. Although we do not yet have specific language for the Committee to review, we wish to propose the following principles for discussion, so we have direction as we draft actual language. This list is not exhaustive by any means, but these are some areas where we would like to proceed with drafting language.

**Overarching principles:** The District has an obligation to keep staff and students safe. It also has an obligation to educate all students. Except in extraordinary circumstances, we should not seek the expulsion of students for offenses other than those mandated by law to be referred for expulsion.

**Referral to attorney:** District staff (i.e., Dr. Craig) currently refers students facing expulsion to free legal services, if they are available. We propose codifying this language to require this practice. Also to require referral to legal representation to complaining witnesses if such services are known to the Director of Student Services.

**Extension of suspension:** The law allows students to be on an extended suspension if it is determined that the “presence of the pupil at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process.” Ed. Code § 48911. An extended suspension is a serious punishment (before guilt is determined) and a significant interruption in the accused student’s education. We propose:

- a) Board liaison appointed to consult with Director of Student Services on extensions of suspension. The time frame is too short to involve the entire Board, but we think having one Board member who serves in this role on a rotating basis will give the Board a role in the process and provide input on this important decision.
- b) Full Board notified when suspension is extended pending expulsion.
- c) Formal (but simple and straightforward, if possible) appeal process to Board if student wants to challenge decision to suspend the expulsion.
- d) Can we require instruction during the extended suspension? (Students in juvenile hall receive instruction, as do students with IEPs.) Will likely require discussion/negotiation with BFT.

**Clarify how restorative justice can be used in serious cases.** We want to be explicit about the procedures that we can use to utilize restorative justice in appropriate cases, and do so consistent with the Ed Code and fairness to all parties.

**Due process issues with respect to expulsion hearings:** We will explore clarifying procedures for allowing for teachers to attend hearings in support of any students involved, the discovery the accused student receives prior to the hearing, procedure for settling cases pre-hearing, etc.

**Clarity around Board's role/discretion re reviewing the findings of the administrative panel:** We want to provide clarity around the standard of review and the Board's role when reviewing the findings of an administrative panel.

We also want to begin to explore revising our policies around expungements and record sharing.

**Record expungement and discipline sharing policy.** Most juvenile criminal records are automatically sealed. School discipline records should be too. We propose a default expungement policy that expunges disciplinary records upon graduation from high school. Teachers and other staff will remain aware of student history, as necessary, until record is expunged at graduation. District staff can also petition the Board to *not* expunge a record in certain (likely unusual or extraordinary) circumstances. This will not help for students who have to "check the box" on college applications prior to graduation. However, we also want to explore a policy that prohibits District staff from sharing juvenile student discipline data with colleges and other educational institutions.