

Kern Union HSD

Exhibit

Suspension And Expulsion/Due Process

E 5144.1

Students

Responsible Kern High School District school administrators and site PBIS Leadership Team members are reminded to refer to the Kern High School District Behavior Matrix when evaluating student behavior to consider the options available to respond to that behavior, including the applicable scope of intervention and disciplinary options.

Administrator Checklist/Script for Waiver and Referral Process

*Note: Because of the time that parents/guardians and students must be given to consider the Agreement Re: Waiver and Request for Referral/Transfer ("Waiver and Referral Process"), a determination of whether the site desires to offer this alternative should be made as soon as possible.

Administrators must use a copy of this checklist each time they go over the Waiver and Referral Process with a parent/guardian and student, checking off completion of each necessary step.

If site administrators have any question regarding the disciplinary option proposed for a given student, including the Waiver and Referral Process resulting in placement in a county community school, they should contact the Director of Student Behavior and Supports.

If ELL student or non-English speaking parents/guardian involved, the Waiver and Referral Process form must be provided in English and the applicable non-English language, and all communications during the meeting must be appropriately translated into the appropriate language.

If a student with an IEP or 504 plan, coordinate with Program Specialist/504 Coordinator on whether a "10-day waiver" is necessary. Note, this is only applicable if the student and parent/guardian determine not to agree to the "Waiver and Referral Process."

If a student with an IEP or 504 plan, and there is agreement to the Waiver and Referral Process, coordinate with Program Specialist/504 Coordinator to ensure that agreed upon alternative educational placement is appropriate under student's IEP and/or 504 plan.

CHECKLIST

Note: Please initial next to the pertinent steps, and mark N/A where applicable. Do not leave blanks.

1. ____ Determine whether student committed offense calling for involuntary transfer to continuation high school or expulsion. If yes, proceed to step 2.
2. ____ Confirm that the student's behavior was evaluated and addressed in accordance with the District's Behavior and Intervention Response Matrix. If yes, proceed to step 3.
3. ____ Determine whether agreement to a waiver of rights and procedures ("Waiver and Referral Process"), and referral and transfer to another educational placement is a proper alternative in light of student's violation and disciplinary history. If yes, proceed to step 4.
4. ____ Contact Director of Student Behavior and Supports to obtain approval for use of Waiver and Referral Process and direction as to educational placement alternatives. If Director approves use of Waiver and Referral Process, proceed to step 5.
5. ____ Schedule meeting with parent/guardian and student to discuss Waiver and Referral Process alternative, preferably by day three or four, and no later than day five, following a student's suspension (see step 1 above).
6. ____ Hold meeting with parent/guardian to discuss: (a) charges and evidence against student; and (b) disciplinary alternatives under consideration by site/District.

____ Explain the disciplinary procedures applicable if the site/District was to proceed with discipline (if involuntary transfer to continuation school recommended, the process for an involuntary transfer hearing before such placement; if an expulsion is recommended, the process for an expulsion hearing and possible outcomes of that process).

7. If applicable, offer of Waiver and Referral Process alternative in lieu of further discipline.
 - a. ____ If non-English speaking parents/guardians, Waiver and Referral Process form and Education Code provision attachments must be provided in non-English language.
 - b. ____ If non-English speaking parents/guardians, interpreter must be present for meeting.
 - c. ____ For purposes of explaining and discussing Waiver and Referral Process form and procedure with parent/guardian and student, and depending upon whether the student has been (1) recommended for involuntary transfer to continuation school or (2) expulsion, as well as whether the District is considering a referral to another (1) comprehensive high school, (2) KCSOS, or (3) another alternative educational program, discuss each of the following, with reference to the applicable Education Code provision attachments:

____ Discuss applicable procedures for involuntary transfer to continuation school and the possible outcomes of that process (under Education Code section 48432.5).

____ Discuss applicable procedures for expulsion and the possible outcomes of that process (under Education Code section 48915 and 48918).

_____ Advise parent/guardian of the possibility that the student's suspension may be extended pending expulsion or involuntary transfer process if the recommended discipline against the student proceeds, and explain on what bases the extension of suspension determination is made.

_____ Discuss applicable procedures for a voluntary agreement to attend county community school, including that such voluntary enrollment be in the best interest of the student, to a community site that is geographically accessible, and the ability of a parent/guardian to rescind a voluntary transfer to community school at their discretion (under Education Code section 1981).

_____ Confirm that agreement to the Waiver and Referral Process would waive all rights associated with these options, depending upon which are at issue (e.g., involuntary transfer to continuation high school under Education Code section 48432.5; expulsion under Education Code sections 48915 and 48918, and the right appeal an expulsion to the County Board; and voluntary transfer to county community school under Education Code section 1981 et seq., including the ability to voluntarily rescind such a transfer and return to their comprehensive site within the District).

_____ Confirm that agreement to the Waiver and Referral Process will not result in an expulsion on the student's education record, but will result in a non-rescindable referral/transfer to an alternative educational placement.

_____ Confirm that by agreeing to the Waiver and Referral Process that any further violation by the student of the Education Code and District discipline policies and regulations, or failure to complete the term of the prescribed and agreed upon alternative educational placement, may result in the student's involuntary transfer to one of the District's continuation high schools without a further hearing or completion of any other procedures.

_____ Confirm that agreement to the Waiver and Referral Process to an alternative educational placement at District comprehensive high school will result in the student's ineligibility for extracurricular/athletic participation. Examples of such activities including but are not limited to interscholastic athletics, ASB, formal prom, etc.

_____ Advise parent/guardian that they will have 2 days within which to consider their options regarding the Waiver and Referral Process, and that they may seek advice from anyone of their choosing before deciding.

*Note: See Education Code provisions that accompany the Waiver and Referral Process form. Parents should be referred to the applicable code provisions at issue and directed to the relevant pages of the Education Code provisions attachment.

8. _____ If following explanation and discussion with parent/guardian of Waiver and Referral process, parent/guardian turns down Waiver and Referral Process alternative outright, proceed with other intended disciplinary alternatives.

9. _____ If following explanation and discussion with parent/guardian of Waiver and Referral process and completion of the accompanying script, parent/guardian are interested in/agree to Waiver and Referral process, complete the following:

(Again, if ELL student or non-English speaking parents/guardian involved, the Waiver and Referral Process form must be provided in English and the applicable non-English language, and all communications during the meeting must be appropriately translated into the appropriate language.)

a. ____ Ask parent/guardian and student to read the Waiver and Referral Process form.

b. ____ Once parent/guardian and student have completed reading the Waiver and Referral Process form in full, ask if they have any questions regarding the Waiver and Referral Process form or procedure.

____ Consider educational benefit of referral for student and discuss those benefits

____ Consider geographic location of community school and accessibility to same by student, parent/guardian.

____ Consider whether classroom space availability for student at referred-to community school.

c. ____ Answer any questions raised by parent/guardian and student regarding the Waiver and Referral Process form and procedure. (Keep notes of pertinent questions asked and answered during this step.)

d. ____ Ask parent/guardian if they would like to seek advice from anyone of their choosing before deciding whether to agree to and sign the Waiver and Referral form, or additional time to consider the Waiver and Referral Process option (including to read through the Education Code attachments accompanying the Waiver and Referral Process form).

e. ____ If parent/guardian desire to seek such advice, offer them 2 days to seek advice or otherwise consider the Waiver and Referral Process alternative, and schedule a second meeting in 2 days for parent/guardian to indicate their final decision. If this occurs, proceed to step 11.

f. ____ If parent/guardian desire to agree to the Waiver and Referral process at the meeting, obtain signatures of parent/guardian, student, school Principal, involved School Dean, and Director of Student Behavior and Supports Services.

10. ____ At second meeting following 2-day period for parent/guardian to seek advice and otherwise consider Waiver and Referral Process alternative (see step 9.d. and 9.e.), follow step 8 or step 9.f. as appropriate.

11. ____ If parent/guardian and student agree to Waiver and Referral Process alternative:

a. ____ Explain to parent/guardian next steps for enrollment of student in alternative educational placement agreed to under Waiver and Referral form;

b. ____ Confirm with clarity necessary contact numbers to enroll student in alternative placement as soon as possible;

- c. ____ Ask if parents/guardian or student have any further questions regarding the Waiver and Referral Process form, procedure, requirements and consequences.
- d. ____ Take all necessary steps to ensure receiving alternative educational placement is prepared for enrollment of student.

12. Additional Considerations in Administrator's Discretion

- a. ____ Site administrators, on a case-by-case basis and consultation with "PBIS site teams," may determine whether to permit a student's alternative educational placement to end at an earlier date, based upon a reevaluation of the student's conduct and other relevant rehabilitative factors.
- b. ____ Consistent with the District's Behavior and Intervention Response Matrix, students with a history of transfers will continue to be entitled to a deliberative discipline process which includes an administrative review of evidence and individualized interventions based on evidence.

Exhibit KERN HIGH SCHOOL DISTRICT
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