



## ECS Disciplinary Hearing Committee Guidelines and Expulsion Script

### **Disciplinary Committee Rules and Regulations:**

Students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. The hearing will be held within 30 days after the administrative staff determines that the student committed an act subject to expulsion. The hearing will be presided over by a fair and impartial panel of representatives elected by the ECS Board of Directors to serve on the board committee titled ECS Disciplinary Hearing Committee.

### **Election:**

The ECS Board of Directors will elect members to serve on the Disciplinary Hearing Committee. The Disciplinary Hearing Committee will consist of **no fewer than five and no more than twenty eligible members**. Five eligible members must convene to hold a discipline Hearing. A quorum of members convened must hear an expulsion. A quorum is more than half the members intended to serve. If there are five members, at least three must be present to convene the meeting. No more than seven Disciplinary Hearing Committee members may convene to hear an expulsion. When the committee is to be convened to hear an expulsion the first five to seven members who are found to be available to attend will hear the expulsion. One such member must be an ECS board member. The ECS board member will also serve as as the presiding officer. Each ECS Disciplinary Hearing Committee member must sign the ECS *confidentiality* agreement.

### **Terms:**

Terms will commence upon appointment by the ECS Board of Directors and will last for 3 years, ending June 30 of the third year. Members may be reappointed for additional terms. There is no limit on the number of terms a member may be serve. Members may resign at any time with written notice if they can't carry out their full term.

### **Eligibility to Serve on the School Site Committee:**

The ECS board may elect candidates who in its discretion it believes will serve the interests of ECS and its schools faithfully and effectively. The following persons are eligible for membership on the ECS Disciplinary Hearing Committee.

- a. Parents of active students enrolled at a charter school operated and managed by the corporation, who is elected by the ECS Board to serve on ECS Disciplinary Hearing Committee ( "**Parent Representatives**" ).
- b. Persons representing the state and local education industries ("**Education Representatives**").
- c. Person representing the local community ("**Community Representatives**").



*Just like all ECS board members, all persons elected by the ECS board, must be US citizens, eligible to vote. As well, all committee members must complete a live scan.*

**Location of Hearing:**

The hearing generally will be held at the school from which the expulsion originated unless otherwise indicated.

**Training for Disciplinary Hearing Committee Members**

All new members will participate in the following:

1. Attend a mock disciplinary hearing: The Mock Hearing will occur immediately before the actual hearing. If hearing is scheduled for 6 pm on x day. Mock hearing will be 1 hour prior in same location.
2. Review the disciplinary hearing script
3. Receive training on Brown Act, Conflict Interest and Confidentiality

Complete the [Confidentiality Form](#). All members must sign conflict of interest and confidentiality forms which should be on file with [Marcela\\_Paez@ecsonline.org](mailto:Marcela_Paez@ecsonline.org). Send MP the forms following each expulsion.

**Resources for Expulsions:**

[Checklist for Expulsions](#)

Please find the checklist for expulsions in box. For your convenience, the check list is repeated below.

[As well, please review your approved charter petition Element J before proceeding.](#)

Sample Letters can be found in the [Discipline Committee Resource file](#).

As well, working drafts of letters can be found in Working Expulsion Folder in [google drive](#)

**Notice of Hearing:**

As noted in the checklist, the student and his / her family must receive a minimum of 10 days notice of the hearing. Linked here is a sample notice of hearing. If the hearing is held less than 10 days from date the parent/guardian receives notice of the recommendation for expulsion, parent must waive his/her right to 10 days notice. [Sample Notice of Hearing with less than 10 days notice](#). Add link for Sample Notice of Hearing with between 10 to 30 days notice. The Hearing can be held beyond the 30 days if the parents/and his/her attorney request the same.

**Additional Resources can be found here:**

[Referral for Services for Expelled Students-LACOE](#)

[ECHS discipline Folder Archived](#)

LESD [Sample Order for Suspended expulsion](#)

[ECMS G Most recent Expulsion](#).



## Environmental Charter Schools

### Expulsion Checklist and Contact Information

When a student is expelled, the following documents need to happen:

#### STEPS TO TAKE

- Suspend student pending expulsion, with reason for suspension indicated (include letter)
  - Get parent signature on suspension form
  - Student may not be suspended for more than 5 days, unless the decision is made to suspend pending expulsion
- Certified letter notifying parent of expulsion hearing. Need parent signature on notification letter. Make sure it includes:
  - If less than 10 days notice is given, letter needs to include waiving of right to 10 days notice of hearing (with signature)
  - Date/place of hearing
  - Statement of facts/charters/offenses upon which expulsion is based
  - Copy of disciplinary rules broken (from school handbook)
  - Opportunity for student or parent to appear in person at the hearing
  - Parent has the right to be represented by an attorney
  - Parent has a right to bring witness, written statements, written documents
- Expulsion packets made for Expulsion Committee, to include (see sample packet in office):
  - Ed Code expulsion matrix (with reason highlighted)
  - Progress report, transcripts, attendance
  - Form outlining discipline process (for any SRC-path expulsions)
  - Discipline record: log entries, all SRCs, witness statements, suspension forms, and any other related evidence
  - Redact all identifying names and information about other students.
  - Redact information about and names of faculty (if not directly relevant to case – consider whether or not that faculty member is relevant enough to case to be subpoenaed for information later).
- Letter notifying parents of expulsion
  - Letter mailed or hand-delivered to parents, documented in log entries
  - Specific offense committed by the students
  - Notice of obligation to inform any new district in which they enroll of expulsion
  - Reinstatement terms, including date of potential reinstatement (not more than a year)
- Notify home school district of expulsion. Send or fax expulsion order letter with reinstatement forms to appropriate district.
  - If home school is LAUSD
    - Fax to LAUSD district expulsion/discipline office (see below for what they might ask for)
  - If home school is Centinela Valley
    - Fax to district office (see below for what they might ask for). They may say to fax to LACOE (use expulsion form also)
- Letter to parents explaining expulsion process, next steps, and LACOE or district placement

- Other items to fax, scan, or email:
  - LACOE Expulsion Form
  - Copy of Expulsion Order (letter with incident and reinstatement criteria)
  - Progress Report
  - Transcripts
  - Home Language Survey
  - CELDT Scores
  - Immunization Records

#### CONTACT INFORMATION

- LACOE Contact Info
  - Kathleen Corella
  - Fax
  - Phone
- LAUSD Contact Info
  - Lena Hobson
  - Fax
  - Phone
- Centinela Valley Contact Info
  - Tony Shaw
  - Fax
  - Phone



Environmental  
Charter Schools



## **Environmental Charter Schools Student Expulsion Hearing Script**

### 1. Opening

- a. The Expulsion Hearing Committee Chair will introduce him/herself, provide an overview, and facilitate the attendance taking of committee members:

*It is (time) a.m. / p.m. on (date). My name is (name of Expulsion Hearing Committee Chair), I am the Board President/Member for Environmental Charter Schools, and I will be presiding over today's hearing. We are now in session and the hearing is called to order.*

*Before we proceed, we will now identify and take attendance for all members of this Environmental Charter School board elected disciplinary committee. Please introduce yourself by saying your name and your role on the committee.*

*Please note like all our board meetings, this meeting including any testimony and findings are recorded. The deliberation of the committee members, however, will not be recorded.*

### 2. Review and Approve Agenda:

- a. Chair asks the committee to review and approve the agenda.

*Please review the agenda. Upon doing so I will entertain a motion by someone on the committee to approve the agenda.*

- *A motion should be made by a member of the committee and seconded by a different member.*
- *The chair will then call for a vote on the motion to approve the agenda*

### 3. Public Comment:

- a. The Hearing Committee Chair then ask for public comment as follows:

*It is now time for public comment:*

*PRESENTATIONS FROM THE FLOOR - At this time any person wishing to speak to any item not on the agenda will be granted three minutes to make a presentation to the Board of Directors.*

*PRESENTATION ON AGENDA ITEMS - Any person wishing to speak to any item on the agenda will be granted five minutes to make a presentation.*



4. Closed Session:

a. Motion to move to closed session:

*At this time, I will entertain a motion for the expulsion hearing to be moved to closed session.*

- *A motion should be made by a member of the committee and seconded by a different member.*
- *Prior to the vote, the chair should invite those necessary to attend the closed session.*
- *The chair will then call for a vote on the motion for the meeting to be moved to closed session and excuse those not invited to attend.*

*A motion for this meeting to move to closed session has been properly made, seconded and has passed. We are now in closed session!*

b. The Expulsion Hearing Committee Chair will review the purpose of the hearing and the expected decorum:

*The purpose of this meeting is to hold a hearing regarding the recommendation by the principal of Environmental Charter Middle/High School, (name of principal) to expel student, (name of student) from Environmental Charter Middle/ High School.*

*It is necessary to speak clearly because this is a taped hearing. Only one person will be allowed to speak at a time, so please do not interrupt another speaker. If a speaker makes a statement with which you disagree, make a note to yourself, as you will have an opportunity to respond to that statement. If you need to break for any reason, please let me know and we will take one.*

c. The Expulsion Hearing Committee Chair will take attendance for participants in the hearing:

*Before we proceed, we will now identify and take attendance of all participants in today's hearing. I will now ask each person with the Environmental Charter Middle/High School, starting with the principal, to introduce yourself by saying your name and your role with the school.*

*Now I will ask each person starting with the student, to introduce yourself by saying your name and your relationship to the student. Student ID #, going into 7th grade. Ms. Angela Washington, mother of the student.*



## 5. Hearing Format:

*I will now review the rules of evidence, order of the hearing, and reasons for the expulsion.*

### a. Rules of Evidence:

*The formal rules of evidence will not apply here; however, evidence may be admitted and used as proof only if it is the kind of evidence on which a reasonable person can rely in the conduct of serious affairs. Hearsay evidence is admissible, but is not by itself sufficient to support a finding.*

*Hearsay is defined as a statement made by a witness about something he was told by someone else. Any findings must be supported by direct and substantial evidence that the student committed any act listed as "Grounds for Suspension and Expulsion" as listed in the Environmental Charter Schools Student and Family Handbook.*

*Further, the burden of proof rests with the school and/or principal in proving the allegations asserted in the notice of hearing letter. The school and/or principal will present its case first, then the case for the student may be presented.*

*All witnesses prior to presenting their evidence will be required to be sworn in by the Committee Clerk.*

## 6. Swearing In of All Parties Presenting Evidence:

*At this time, the Chairman will swear in all parties presenting the school's evidence.*

*Chairman: (name of principal), please stand and raise your right hand. Do you swear, or affirm that the evidence that you shall give in this matter is the truth and, the whole truth and nothing but the truth?*

*Chairman: (name of witness and or school staff), please stand and raise your right hand. Do you swear, or affirm that the evidence that you shall give in this matter is the truth and, the whole truth and nothing but the truth?*

*Chairman: At this time, the Chairman will swear in all parties presenting the student's evidence.*



*Chairman: Parent/Student, please stand and raise your right hand. Do you swear, or affirm that the evidence that you shall give in this matter is the truth and, the whole truth and nothing but the truth?*

*Chairman: (name of witness(es) on behalf of student), Parent/Student, please stand and raise your right hand. Do you swear, or affirm that the evidence that you shall give in this matter is the truth and, the whole truth and nothing but the truth?*

7. Conflict of Interest: *Before proceeding, determine if there is any conflict of interest. Ask the panel and parent and or his/her representative the following*
  - a. *Panel: Panel is there a conflict of interest with your participation as a disciplinary hearing member? "A conflict of interest is a set of circumstances that creates a risk that your judgement or actions regarding this proceeding/hearing will be influenced by another motivation."*
  - b. *Parent or guardian: Is there a conflict of interest with any of the current panel members serving on this committee? "A conflict of interest is a set of circumstances that exists that causes you to believe that one of the panel member's judgement would not be able to perform their duties in an unbiased manner. Please identify any concerns."*
  
8. Order of the Hearing:
  - a. *The hearing order is as followed:*
    - i. *Presentation of the school's case*
      1. *10 minutes for opening statement and presentation of evidence*
      2. *5 minutes for questions from the student/parents*
      3. *10 minutes for questions from the Committee*
    - ii. *Presentation of the student's case*
      1. *10 minutes for opening statement and presentation of evidence*
      2. *5 minutes for questions from the school*
      3. *10 minutes for questions from the Committee*
    - iii. *Closing of the Hearing*

*If there are no questions, we will now proceed.*





9. Reason(s) for the expulsion hearing:

*The student, (name of student), has been recommended for the expulsion, for the following reason (s):*

*State reason here. The reasons should be clearly marked on the expulsion matrix and in the letter provided to the parent/guardian.*

10. Explanation of Decision-Making:

- a. The Expulsion Hearing Committee Chair will explain the grounds on which a decision for expulsion can be made:
  - i. *The decision for expulsions will be based on the following questions (Ed Code 48922 & 48923)*
  - ii. *Do we have jurisdiction? Was the conduct in question related to school attendance and activity, or occurred on the way to or from school or a school activity?*
  - iii. *Do you have an appropriate Ed code 48900 violation or violation of activities as set forth in the charter?*
  - iv. *Is this a mandatory expulsion (firearm possession, knife brandishing, drug selling, possessing an explosive, battery on school staff)? If not mandatory, have other feasible means of correction failed to bring about a change OR does the student pose a safety risk?*
  - v. *Was there evidence from a percipient witness (either the child admits it or someone who saw the behavior testified at the hearing)?*
  - vi. *Did the school follow proper procedure, and was due process and students rights granted?*

In addition, a copy of the Expulsion Matrix as set forth in the ECS Charter is provided as reference for both the school and student. This should be included in the expulsion packet.

11. Presentation of Evidence by the School/Principal:

- a. The school will presents as evidence all documents related to the case:

The Expulsion Hearing Committee Chair will now instruct the School/Principal to present its case. All of the items should be included in an expulsion packet.

The school principal will now review his/her recommendation for expulsion which shall include all of the following:



- Initial letter of student suspension
- Letter extending suspension for the purpose of recommending expulsion
- Notice of Hearing (expulsion)
- Incident Report
- Parent Conference Summary Report
- Student Discipline History, ECS Student Log, and Referral Reports
- Student Academic History
- Other student reports

- b. Questioning of the School/Principal by the student and/ or parents of the student:

*Does the student or his/her parents have any questions for the School/Principal regarding the evidence that has been presented?*

- c. Questioning of the School/Principal by members of the Committee.

*Does any Committee Member have any questions for the School/Principal?*

## 12. Presentation of Evidence by the Student/Parent:

- a. The Expulsion Hearing Committee Chair will now instruct the Student/Parents to present its case.

*Ms. / Mr. .. it is now your turn to present your case on behalf of your student.*

- b. The Expulsion Hearing Committee Chair will allow for the questioning of the Student/Parent by the School/Principal:

*Does the School/Principal have any questions for the Student/Parents regarding the evidence that has been presented?*

- c. The Expulsion Hearing Committee Chair will allow for questioning of the Student/Parents by members of the Committee.

*Does any Committee Member have any questions for the Student/Parents?*



### 13. Closing of Hearing and Logistics:

The Expulsion Hearing Committee Chair will explain next steps after the hearing:

*The presentation of evidence is now over. Upon review of the following procedures, all participants will be excused so that the Committee may deliberate in private. Once a decision has been made, the Committee Clerk shall report out, in open session the decision that has been made by the committee.*

*Further, within three school days of the committee's decision, the Principal or designee shall notify the parent in writing of this Committee's decision. At the parent's request, notification of the decision should be made by phone prior to the delivery of the written notice.*

- a. If the decision reached by this Committee is for expulsion, the notice shall include the following:
  - i. The specific offense committed by the student for any of the acts listed in "Grounds for Suspension and Expulsion" section of the Environmental Charter School Student and Family Handbook
  - ii. Finding of Fact
  - iii. Notice of the right to appeal the expulsion
  - iv. Notice of the student or parent/guardian's obligation to inform any new school in which the student seeks to enroll of the student's expulsion
  - v. A Student Rehabilitation Plan
  
- b. If the decision reached by this Committee is not for expulsion, the notice shall include the following:
  - i. The date on which the student may return to school
  - ii. The date for a parent meeting prior to the student returning to school to discuss the student's re-entry to the school
  - iii. A Student Academic Make-Up plan

### 14. Adjournment:

Given there are no questions the chair will entertain a motion to adjourn.

A motion should be made by a member of the committee and seconded by a different member.

The chair will then call for a vote on the motion for the meeting to be adjourned



*A motion for this meeting to be adjourned has been properly made, seconded and has passed. This hearing is now adjourned. (Name of the Committee Clerk), please review and verify with the student the telephone number and address at which he or she can be best reached. All parties in this matter are now dismissed. Thank you!*

APPROVED AT ECS BOARD MEETING on July 25, 2016