

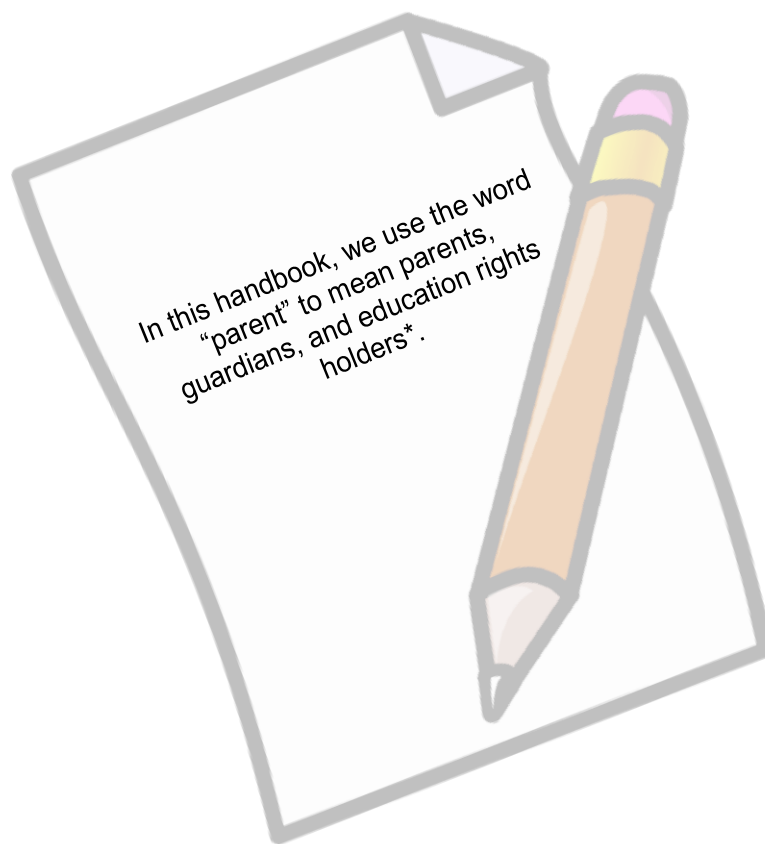
Parent Guidebook

On School Discipline



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* An Education Rights Holder (ERH) has the legal authority to make educational decisions for a student. Biological parents are the default ERH but the ERH could be a legal guardian, foster parents if the biological parent's rights have been limited, or a responsible adult appointed by the dependency court. Students 18 years and older are their own ERH.

SCHOOL DISCIPLINE

School discipline: traditionally includes actions taken by a school to punish students for breaking the rules

Our vision for school discipline is to shift to a focus on intervention, prevention, and support for students. We believe school discipline should foster restorative practices, community skills, and positive behaviors in students.

Federal and state government agencies make rules that schools must follow when they want to discipline a student. This handbook explains some of these rules. In addition, it is important to note the following:

- All children have an equal right to an education
- Schools cannot discriminate against students or parents on any protected basis, such as, for example, their race, gender, disability, or national origin
- Parents have the right to be involved, informed, and advocate for their children¹ no matter what language they speak
- Schools must provide accommodations for parents who do not speak English, such as translated documents and interpreters at meetings and hearings²
- School discipline should not interfere with students' special education rights
- Schools should not remove a student from campus unless all other forms of discipline have failed or the student's presence makes the school unsafe



¹Cal. Ed. Code § 51101

²Cal. Ed. Code § 48985

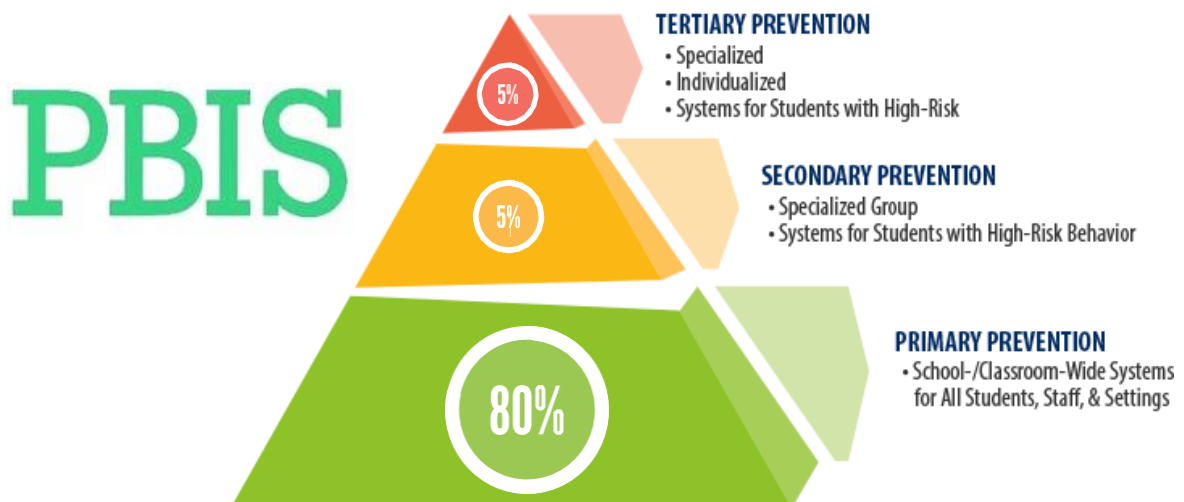
Best Practices

Prevention and Intervention for Student Support

Schools should not remove students from their school campus unless other forms of correction have failed or the student's presence makes the school unsafe³.

Here are some examples of other forms of correction:

- Parent/Teacher conference
- Referral to school counselor
- A team is assigned to assess the behavior, and create an individualized plan to address the behavior
- Referral for a psychosocial or psychoeducational assessment, IEP, or 504 Plan
- Participation in a program to teach positive social behavior or anger management
- Participation in a restorative justice (RJ) program
- School wide positive behavior interventions and supports (PBIS)
- Participation in after-school programs that address specific issues or teach positive activities/behaviors
- Community service during non-school hours⁴



This approach establishes a basis for a positive school and classroom environment. The goal is for expectations for students to become predictable. To reach this goal, expectations and responsibilities are taught directly and consistently to students. Schools may create a structure similar to the one shown here.

³ Cal. Ed. Code § 48900.5

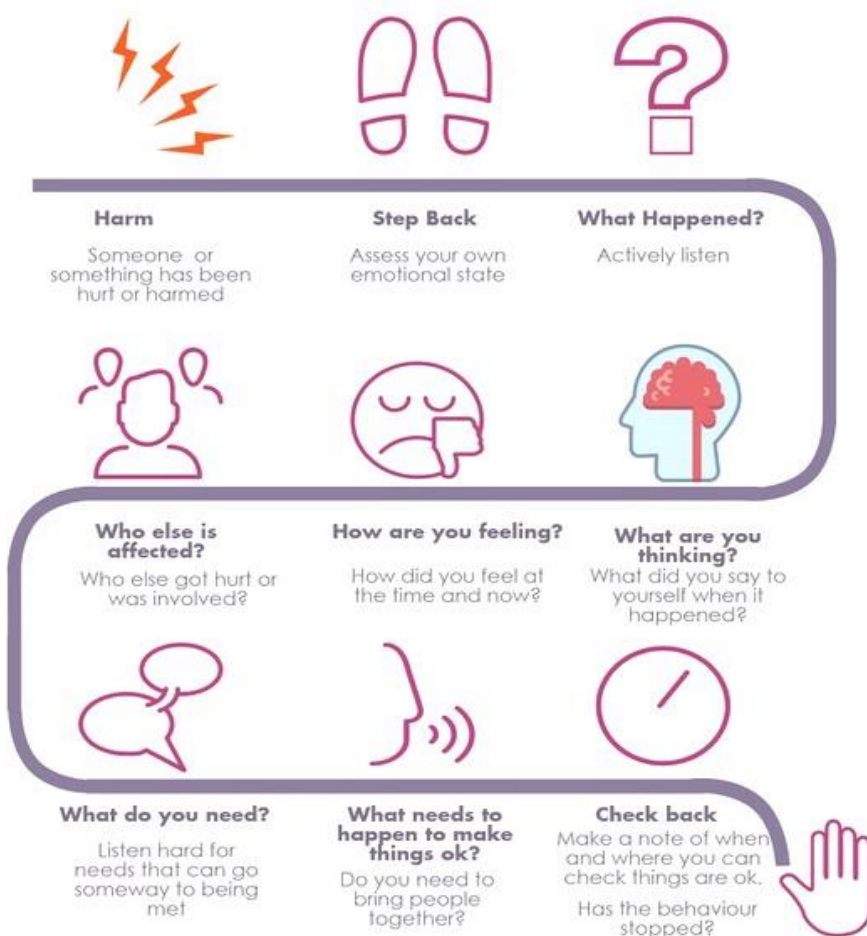
⁴ Cal. Ed. Code § 48900.6

Restorative practices change the way schools think about student discipline and school climate by stressing the importance of every school members' responsibility to the school community.



How to have a Restorative Chat⁶

A central focus of restorative practices is that everyone makes mistakes and rather than predetermined punishments, everyone involved must create a plan together to repair the harm and make positive changes.



⁵ Restorative Practices: Fostering Healthy Relationships & Promoting Positive Discipline in Schools, <https://schottfoundation.org/sites/default/files/restorative-practices-guide.pdf>

⁶ How to Have a Restorative Chat, <https://peacemakers.org.uk/resources>

DETENTION

In-School Disciplinary/Corrective Action

Detention: when a school holds a student outside of class time for the purpose of discipline

These are the rules schools must follow when they give a student detention.

First, the school should try to notify parents.

Second, to protect students' academic and social interactions, detention:



CANNOT be served
during lunch or recess,
unless your school district
has a specific policy that
allows it⁷



CANNOT be for more
than ONE hour after
school⁸

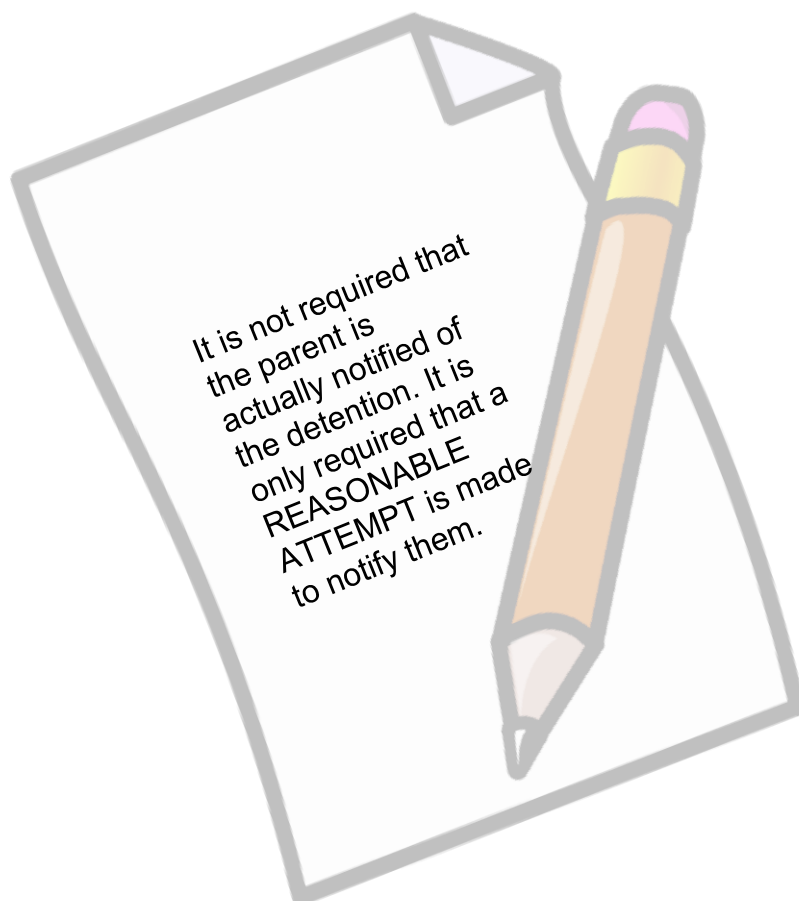
Detention may lead to suspension if the misbehavior continues.⁹

Note: The student cannot be asked to do any hazardous tasks.
This may include trash pickup.

⁷ 5 CRC § 352

⁸ 5 CRC § 353

⁹ Cal. Ed. Code § 48911.2





SUSPENSION

Short-Term Removal

Suspension: when a teacher or administrator removes a student from school or the classroom for a specific period of time¹⁰

A suspension may look like this:

- The student is banned from school grounds for a specific period of time;
- The student is on campus, but banned from the classroom for a school day or school period.
- The student is placed in a supervised room away from their regular classroom teacher. (This is usually called In-school suspension/on-campus suspension); or
- The student is suspended from a particular teacher's classroom for two school days. (This is often called a teacher suspension and it applies the day of the incident and the next school day).

Suspensions cannot last for more than five consecutive school days, and the school cannot suspend a student for more than 20 school days total in a school year. However, a student recommended for expulsion can be suspended for longer. Additionally, transfer students can be suspended for up to a total of 30 days in one school year.

A school can suspend a student for specific acts when they happen at school, at a school activity, or on the way to or from school.

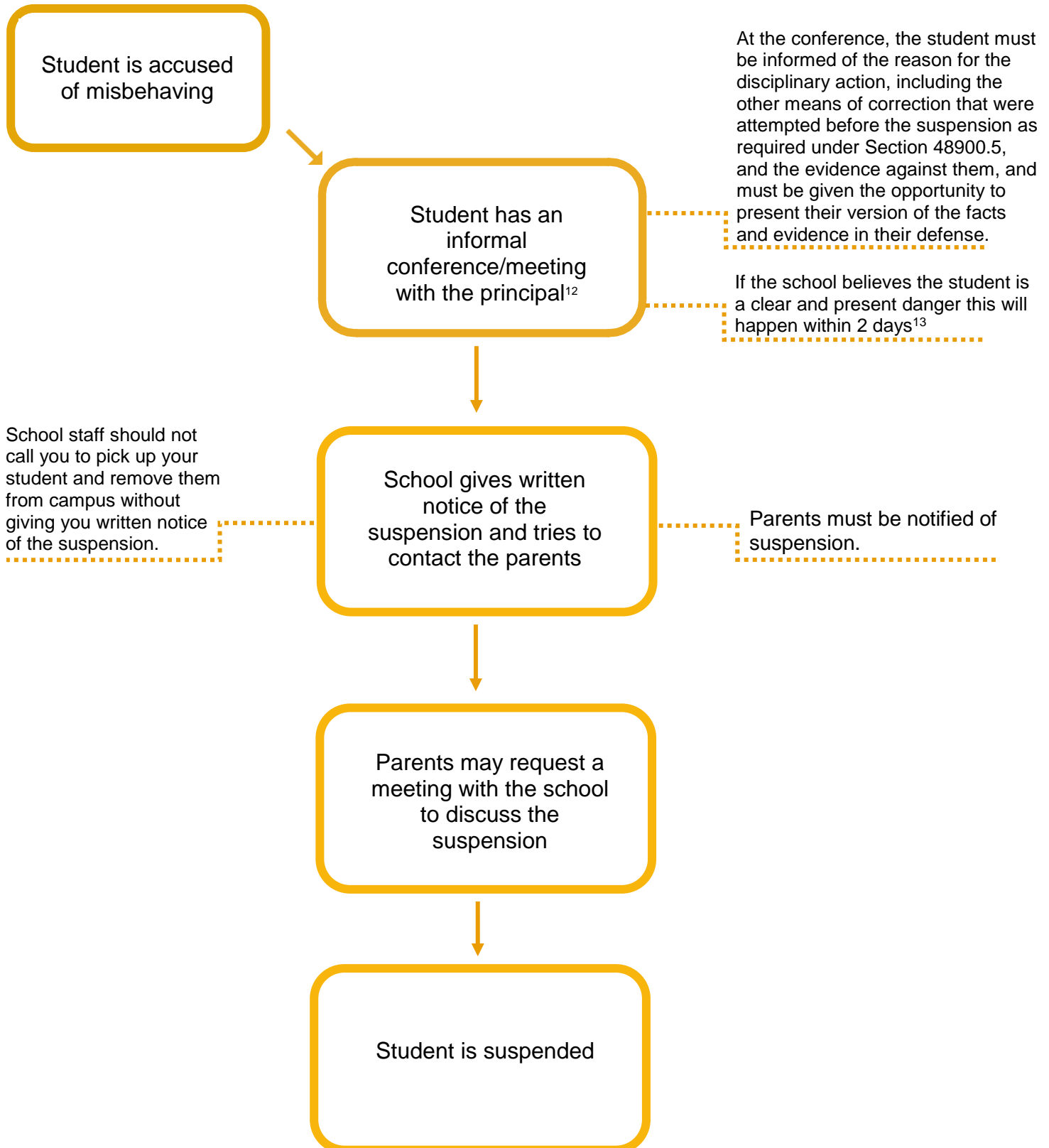
The California Education Code lists prohibited acts.¹¹ These acts include the following:

- Physical harm to another person, including threats
- Possession of a weapon (or other dangerous object)
- Possession, sale, or helping the sale of tobacco, alcohol, drugs, or other intoxicant
- Robbery or extortion
- Damage to school or private property
- Theft or possession of stolen property
- Obscenity, or habitual profanity or vulgarity
- Willful defiance (except for grades K-8)
- Sexual harassment (except for K-3)
- Sexual assault or battery
- Bullying (in person or electronically)

¹⁰ Cal. Ed. Code § 48911 (g); Cal. Ed. Code § 48903; Cal. Ed. Code § 48910

¹¹ Cal. Ed. Code § 8900-48927

Suspension Process



Parents may be able to appeal the suspension depending on the school district. Parents should check with their local school district for more information.

¹² Cal. Ed. Code § 48911(b)

¹³ Cal. Ed. Code § 48911(c)

What to Know About School Discipline: Suspensions for “Defiance/Disruption” or “Willful Defiance”

A school administrator, such as a principal, can suspend or expel a student for a number of reasons listed in the California Education Code. The reasons schools can suspend students include, for example, things like fighting or having nicotine or marijuana products at school. When a behavior does not fit into any other specific category, schools sometimes suspend students for being “defiant” or “disruptive” under a “catch-all” category known as “Defiance/Disruption” or “Willful Defiance”. The California Education Code does not define what “defiance” or “disruption” are. Schools have suspended students for minor misbehavior like chewing gum, talking back, wearing sweatpants, or not wearing belts, claiming that these small actions counted as “defiance” or “disruption”. Schools suspend Black students, other students of color, students with disabilities, and LGBTQ students more often than other student groups for defiance/disruption. Studies have shown that this is not because these students misbehave more, but rather because teachers and administrators have unconscious and conscious biases that cause them to treat the same misbehavior differently depending on the student’s race, gender, and other characteristics.

In 2014, California banned suspensions of students in grades K-3 for defiance/disruption, and banned expulsions for all students in grades K-12 based on defiance or disruption.

In 2019, California passed a new law, Senate Bill 419 (SB 419), expanding the ban on suspensions for “defiance/disruption” to additional grade levels. SB 419 will take effect on July 1, 2020. It permanently expands the ban on suspensions for “defiance” or “disruption” to grades 4-5. It also expands the ban on suspensions for “defiance” or “disruption” to grades 6-8 for a five-year trial period until July 2025. See the table below.

Many studies have shown that suspending students doesn’t get to the root of what is causing their misbehavior and that it actually makes things worst. This is especially true for the kinds of behaviors usually called, “defiance” or “disruption,” which generally are more minor. Parents, youth, community members, and advocates across the state are encouraging their schools to change discipline practices that remove students from school and urging schools to instead implement positive programs to support student learning and hold students accountable. Some positive programs are the restorative practices or school-wide positive behavioral interventions mentioned earlier in this manual.

Senate Bill 419 (SB419) 2019

"Defiance Disruption/Willful Defiance" Suspension

Can a school suspend a student for "Defiance" or "Disruption"?

From January 1, 2015 to June 30, 2020	No suspensions allowed for students in grades K-3. Schools can still suspend students in grades 4-12.
From July 1, 2020 to June 30, 2025	No suspensions allowed for students in grades K-8. Schools can still suspend students in grades 9-12.
After July 1, 2025	No suspensions allowed for students in grades K-5. *Protection for middle school students will expire on June 30, 2025 unless the legislature extends it. Schools can still suspend students in grades 9-12.
*Effective January 1, 2015, there are no expulsions allowed for CA students in any grade, K-12, for "Defiance" or "Disruption".	
*Students can still be suspended or expelled for doing other things that violate the education code, like fighting or bringing something dangerous to school.	

Some parents and community members have encouraged their school districts to have more supportive rules than the state and to never suspend any students for "defiance" or "disruption". These school districts include Los Angeles Unified School District, Oakland Unified School District, and other school districts across the state. If the state law still allows your student's school to suspend them for "defiance" or "disruption", check out your District's local policies to see if they have more supportive rules than the state and to see whether your District has banned "Defiance/Disruption" suspensions in the District.



EXPULSION

Long-Term Removal

Expulsion is the process by which a school district removes a student from the school district - for up to one year.

Expulsion **must** be recommended for the following:

- Possession or selling a firearm/explosive
- Brandishing a knife
- Selling a controlled substance¹⁴
- Sexual assault or battery

Expulsion **may** be recommended for the following: ¹⁵

- Physical harm to another person¹⁶
- Possession of a knife or other dangerous object
- Possession or use of a controlled substance
- Robbery or extortion
- Assault, battery, or threat to a school employee
- Physical harm to self or other person
- Possession of a dangerous object or alcohol
- Sale of anything representing drugs or alcohol
- Possession or sale of drug paraphernalia
- Robbery or extortion
- Damage to property
- Theft or possession of stolen property
- Use of tobacco
- Obscenity, profanity, or vulgarity
- Possession of imitation firearm
- Sexual harassment (except for grades K-3)
- Sexual assault/battery
 - The school must prove that the act meets the elements of the sexual battery from the California Penal Code to expel the student.
- Harassing, threatening, or intimidating a student
- Bullying, including cyber bullying

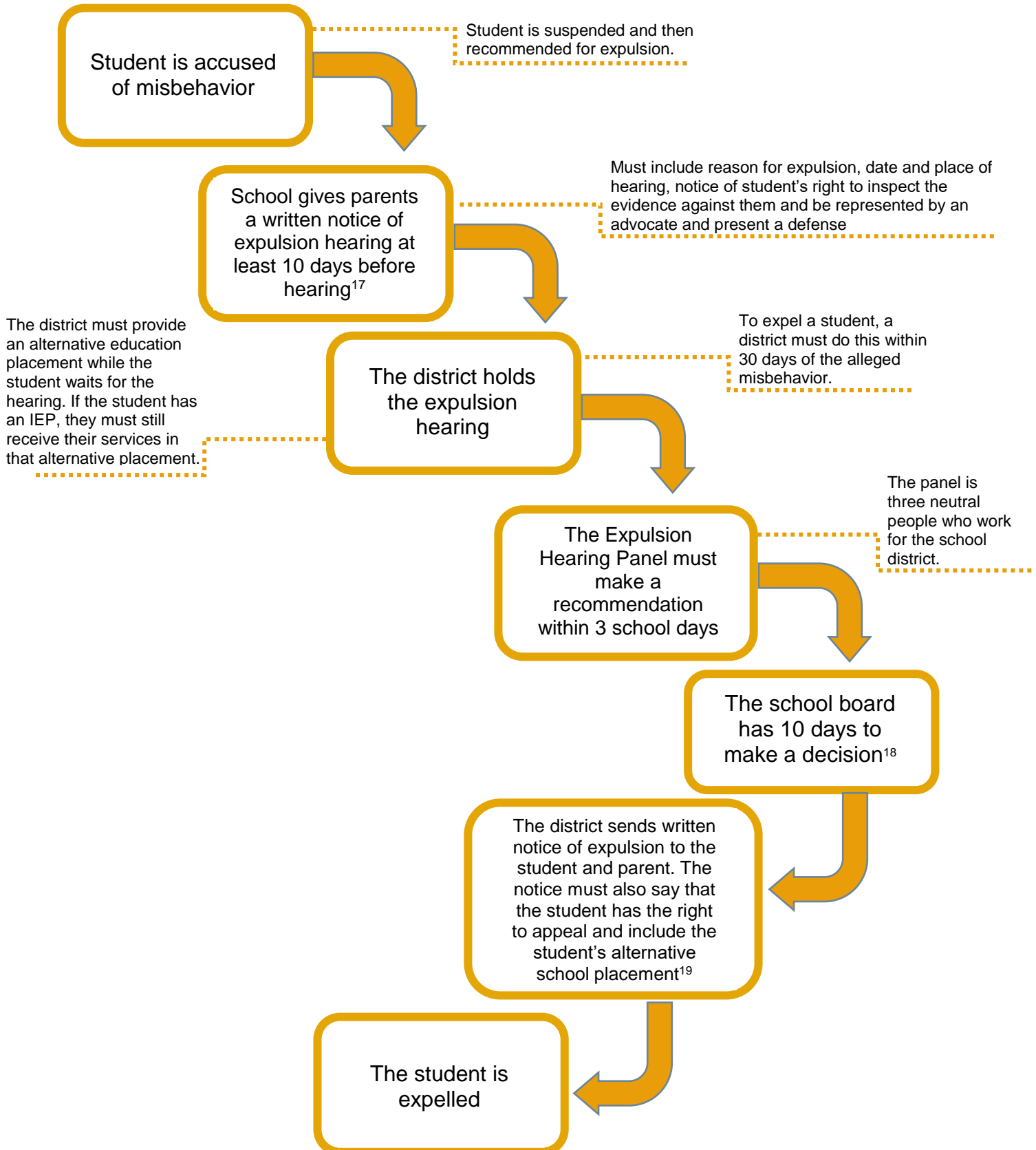
It is important to remember that even if the student must be recommended for expulsion, school districts can still choose whether or not to follow the recommendation to expel the student.

¹⁴ Cal. Ed. Code § 48915 (c)

¹⁵ Cal. Ed. Code § 48918 (a)

¹⁶ Cal. Ed. Code § 48915 (a)

Expulsion Process



Note: If the panel decided not to expel the student, they should be allowed to rejoin the school.

¹⁷ Cal. Ed. Code § 48918 (b)

¹⁸ Cal. Ed. Code § 48918 (a)

¹⁹ Cal. Ed. Code § 48918 (j)

Expulsion Hearing FAQ

What is an expulsion hearing?

An expulsion hearing is a meeting to decide whether to recommend that the school district expel the student.

What can I expect at the expulsion hearing?

- A “hearing panel” will be at the meeting to decide whether the student is recommended for expulsion. Three neutral and independent people who are not part of the staff at the student’s current school make up the panel.
- The school district should record the meeting.²⁰
- The school will present evidence to show why the student should be expelled. Parents and advocates can ask questions and say why they do not think the student should be expelled.
- The panel or school board will decide whether to recommend the student for expulsion.²¹

How will the panel make a decision?

The panel must find two things:²²

- Substantial evidence proving that the student violated the Education Code, and
- That the violation happened at school, at a school activity, or on the way to or from school.

What are the student's rights during the expulsion hearing?

The student has the right to:

- Be represented by an attorney or other advocate
- Obtain, inspect, and challenge all evidence
- Present their own evidence in their defense²³
- Request that the hearing be postponed for 30 calendar days - at least one request must be granted²⁴

Remember that notice must be provided 10 days before the hearing. That time, along with any postponements, should be used to collect any evidence and plan a strategy. Keep in mind the things that will be decided by the panel are:

- Whether or not the student violated the Education Code
- Whether or not the school tried other means of correction (if applicable)
- Whether the violation was school-related
- Whether the student should be expelled
- How long the expulsion will last

²⁰ Cal. Ed. Code § 48918 (g)

²¹ Cal. Ed. Code § 48918 (a)/(c)/(d)

²² Cal. Ed. Code § 48900 (s)

²³ Cal. Ed. Code § 48918 (h)

²⁴ Cal. Ed. Code § 48918 (a)



Five Top Tips for Defending Your Student

1. Should your student attend the hearing?

- It is up to your family whether to bring the student who may be recommended for expulsion to the hearing. You are allowed to advocate for them at the hearing without them being present.
- Some things to consider are:
 - Will this experience be overwhelming or traumatic for my child?
 - Will the school ask them questions we're uncomfortable with?
 - Will my child be comfortable refusing to answer certain questions or feel like they have to?
 - Does your family and the student want to attend and tell their experience in their own words?
- If there is a related criminal case, your student has a right not say anything that might incriminate them. In that case, you should definitely consult with your student's criminal or juvenile defense attorney before deciding whether they should talk about the incident at their expulsion hearing.
- If you want your student to be heard, but don't want them to attend the hearing, consider bringing a statement they have written to read aloud at the hearing.

2. Bring someone with you for support!

- You have the right to bring an attorney or advocate with you to the hearing. You can also choose to bring another person you trust to provide you with emotional support.
- Consider bringing a family member, friend, social worker, or other support person with you to the hearing to help you advocate, take notes, and observe what happens in the hearing.

3. You have the right to ask questions!

- You can ask questions of any of the school district's witnesses, including teachers or school administrators. Once the school district has presented its case and the panel members have asked questions, you can also ask questions about the case and evidence presented.

- You also have the right to present facts and evidence to support your student at the hearing.

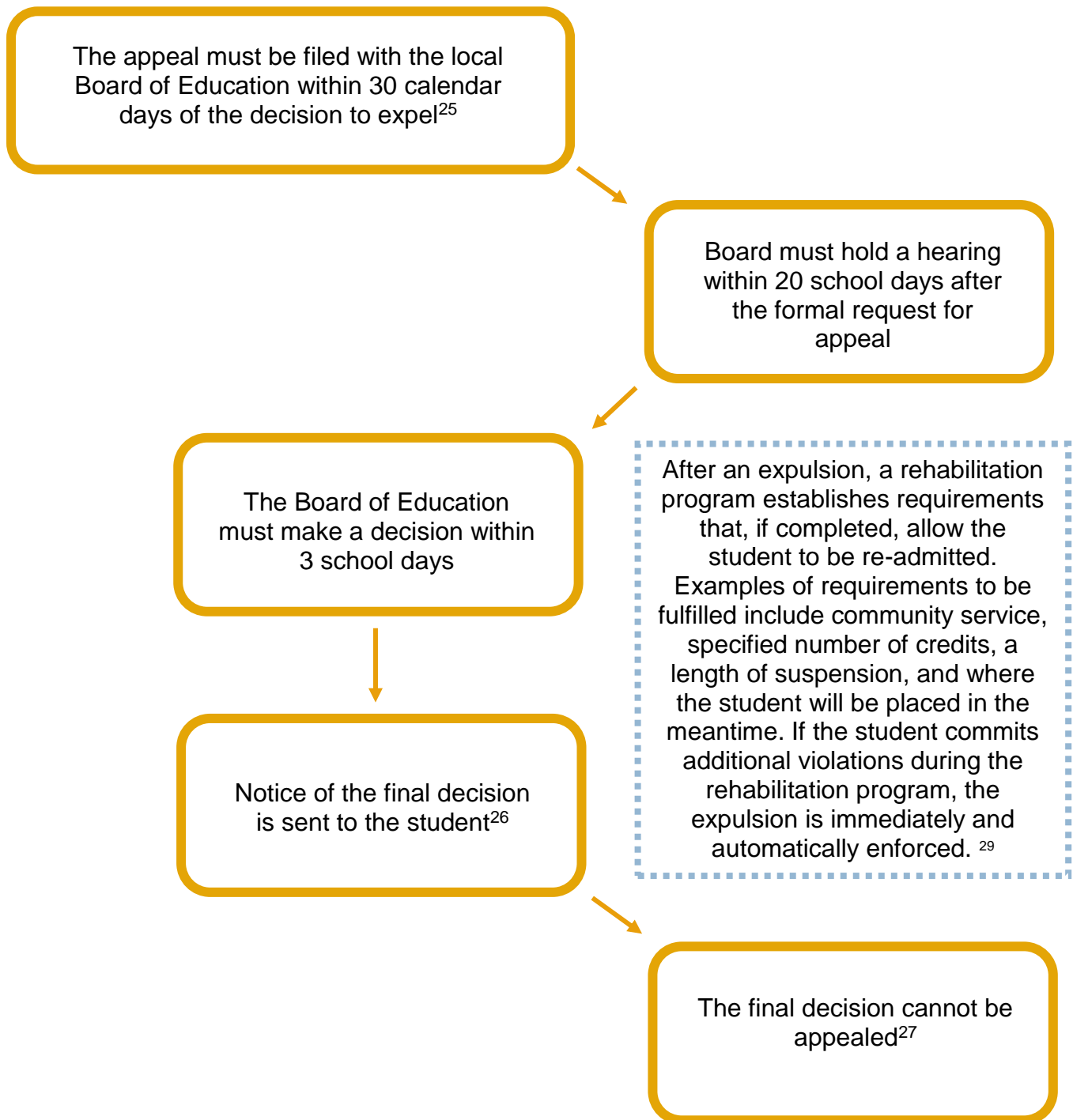
4. Does the school district have substantial evidence against your student?

- The school district must prove that your student committed the alleged offense with “substantial evidence.” They also cannot only rely on hearsay evidence.
- Hearsay evidence is statements from students or staff who do not show up to the hearing. The school district may present this, but must present more than just this.
- Some examples of non-hearsay evidence:
 - A student or staff member testifies at the hearing that they witnessed your student committing the alleged act;
 - A staff member found a forbidden object in your student’s locker or on their body and testifies about seeing that object;
 - There is a picture of your student committing the alleged act and an administrator is there to testify about how the picture was taken and what they observed in it.

5. Has the school tried any other interventions for your student?

- If the offense they are accused of is not one that the school must recommend for expulsion (mandatory expellable offenses), the school district must show that they have tried practices other than expulsion to correct the alleged behavior or that the school would be unsafe if your student were not expelled. **Even if the school district has direct evidence that your student committed the alleged act, the district must prove that they tried other things to get your student to change their behavior and that those things failed.**
- Some questions to consider about whether the school has tried other means of correction:
 - Has the school referred the student to the school counselor or other mental health professional?
 - Has the student ever participated in a restorative justice program, mediation, or positive behavior support program?
 - Have you ever had a meeting with the school to create a behavior plan, safety plan, or other plan for increased support for your student?
- For offenses that are not mandatory expellable offenses, the school district must show that the other practices failed or the student would be a danger to the school if they returned.
 - You can challenge any statements that your student would be a danger to the school community! Let the expulsion hearing panel know about your student’s strengths, successes, and connections with others in the school community outside of this particular incident.

Expulsion Appeal Process



The expulsion may be suspended for up to one year.²⁸

This means the student is on a probationary status until a rehabilitation program is completed.

²⁵ Cal. Ed. Code § 48918 (a)

²⁶ Cal. Ed. Code § 48923

²⁷ Cal. Ed. Code § 48924

²⁸ Cal. Ed. Code § 48917

²⁹ Cal. Ed. Code § 48916



INVOLUNTARY TRANSFER

Long-Term Removal

Involuntary Transfer: when a student is put into an alternative school program against the wishes of the student or parents

School Districts can place students in two types of alternative school programs: continuation schools and community day schools.

Continuation Schools

- The student must be at least sixteen years old to attend³⁰
- Designed to offer flexibility
- Students make up credits at their own pace
- Emphasize work-study opportunities, career counseling, and job placement services

A student can be placed in this program if:

- They are found to have violated Education Code Section 48900 (see page 7), or
- The student's school attendance is irregular³¹

Community Day Schools

- Designed for "at risk" youth
- Low student-teacher ratios
- Individualized instruction

Students can be placed in this program if they are: ³²

- Expelled
- Referred by probation
- Referred by the school attendance review board

If the student is involuntarily transferred as a result of an expulsion or court order, they have the right to re-enroll in their former school or any other school after the term has been completed.³³

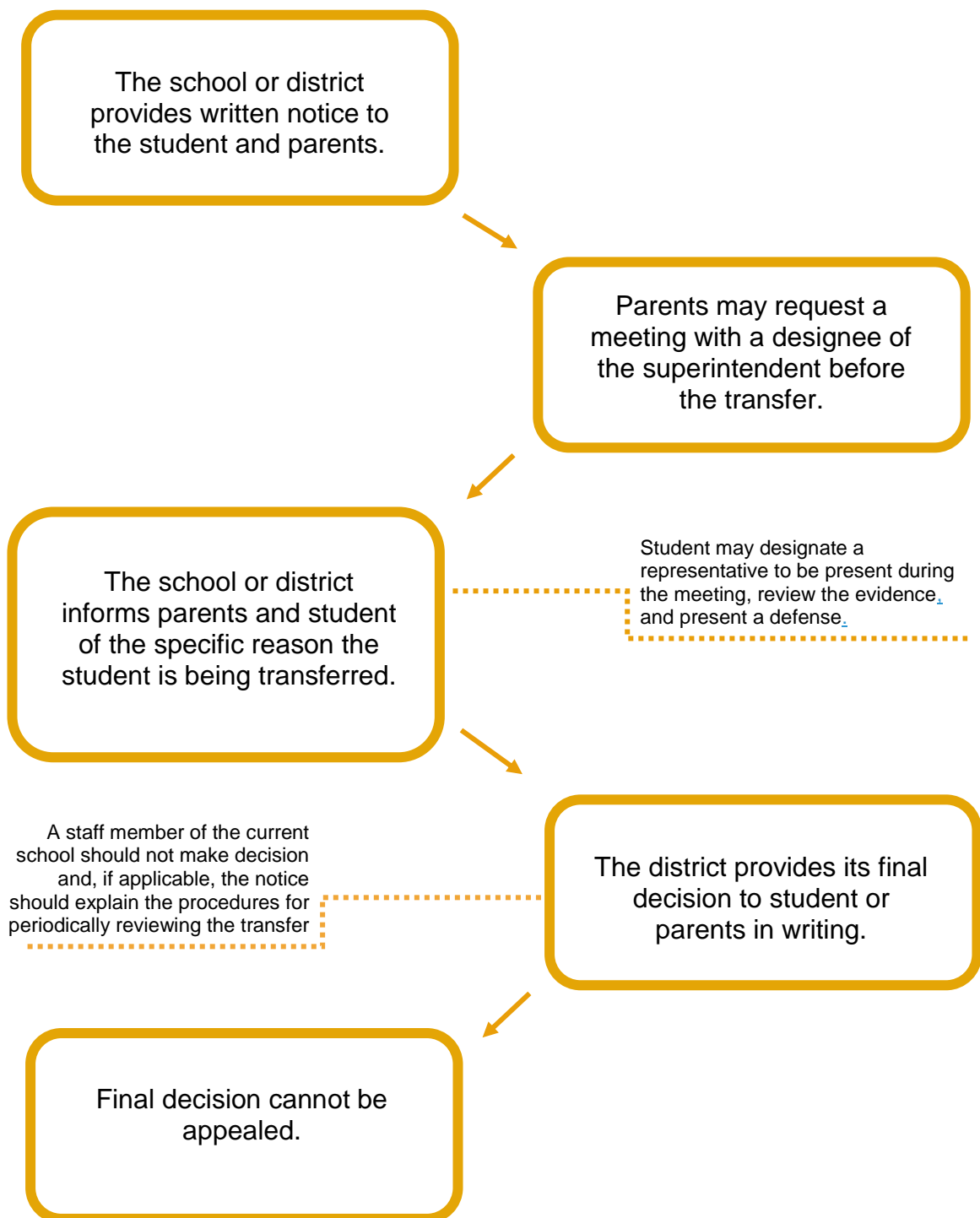
³⁰ Cal. Ed. Code § 48400

³¹ Cal. Ed. Code § 48432.5

³² Cal. Ed. Code § 48662

³³ Cal. Ed. Code § 1981.5

Involuntary Transfer Process³⁴



Involuntary transfers to continuation schools cannot extend beyond the end of the next semester unless parents or the local governing board requests yearly review.

³⁴ Cal. Ed. Code § 48432.5



CHARTER SCHOOL DISCIPLINE

Photo by Caleb Oquendo from Pexels

Charter schools do not have to adopt or use the school discipline policies of the school district they are located in or adopt all the discipline provisions of the California Education Code. However, a charter school's policies for suspensions, expulsions, or other involuntary removals, must comply with federal and state constitutional requirements.

AB 1360: Due Process in Charter School Discipline

On January 1, 2018, AB 1360 took effect. This law clarifies that charter school operators must ensure equal admissions access and disciplinary due process rights for all students.

Suspensions

- For a suspension of less than 10 days, the school must provide written/oral notice of the charges.
- If the student denies the charges, the school must provide:
 - An explanation of the evidence used; and
 - An opportunity for the student to present their side of the story.

Expulsions

- For expulsions, or suspensions of more than 10 days, the school must provide:
 - Timely written notice of the charges (if expulsion, at least 10 days before the hearing);
 - An explanation of the student's rights;
 - A hearing with a neutral person; and
 - A decision within a reasonable time.

Involuntary Removals (including disenrollment, dismissals, transfers, or termination)

- For involuntary removals/transfers, the school must provide:
 - Written notice of intent to remove the student at least 5 days before the effective date
 - Notification of the student's rights

The student has a right to a hearing. If a hearing is requested, the student cannot be transferred until the hearing is held and a decision is reached.

- All written notices must be in the native language of the parent.
- When a student leaves a charter school without finishing the school year for ANY reason, the school must:
 - Notify the superintendent of the student's last known address within 30 days
 - Upon request, provide the school district with the student's school records, including report cards/transcript and health information

What Can You Do If You Think A Charter School Has Violated AB 1360?

Students and parents have the right to file a complaint for violations using the Uniform Complaints Procedure (UCP). You should also check with your county office of education, local school district, and/or charter school for more information on procedures to file and resolve complaints.



STUDENTS WITH IEPs

Additional Protections

Students with active IEPs have additional protections. A school must follow special procedures when it disciplines a student with an IEP.

Students with active IEPs can only be suspended for up to 10 days before the school must hold a "Manifestation Determination" meeting. A Manifestation Determination meeting is a meeting to decide if the misbehavior is related to or a result of the student's disability **or** the school's failure to implement the IEP.³⁵

The process for a Manifestation Determination is:

- The school must notify parent on the same day that the decision to change the student's placement is made or that the student would be suspended for more than 10 days.³⁶
- The school should tell parents about the special procedures that apply when a student has an IEP.³⁶
- The school district must hold a "manifestation determination" meeting within 10 school days of the disciplinary action.³⁷
- The parents and the IEP team should be at the manifestation determination.

At the Manifestation Determination meeting:

- The team will try to find out if the behavior or action was related to or caused by the student's disability or the school's failure to implement the IEP.
- Information provided by parents will also be considered.

If the behavior was a manifestation of the student's disability, the student cannot be removed from school.³⁸

Instead of removing the student, the IEP team must:

- Conduct a functional behavior assessment and implement a behavioral plan for the student, or
- Modify an existing behavioral plan.

³⁵ 34 CFR § 300.530 (b)

³⁶ 34 CFR § 300.530 (h)

³⁷ 34 CFR § 300.530 (e)

³⁸ 34 CFR § 300.530 (f)

Exception!

Whether or not the school determines that the act was a manifestation of the student's disability, a student may be removed from their current placement for up to 45 days for any of the following reasons: ³⁹

- Possession of a weapon
 - Possession/use/sale of illegal drugs
 - Physically harming another person
-

A result of a manifestation determination can be appealed.⁴⁰

To appeal:

- Parents should request a hearing with the Office of Administrative Hearings – Special Education Division as soon as possible
- The hearing must be held within 20 school days from the date of filing the request
- Final decision must be made within 10 school days of the hearing.

The student may be put into an alternative placement until the decision is reached, for a maximum of 45 days

If the behavior was caused by the school's failure to implement the student's IEP, the school must fix the situation.⁴¹

The school should immediately:

- Return the student to their original placement.
 - Take any steps necessary to correct the situation.
-

If the removal is less than 10 days, the school is not required to provide special education services to the student.⁴²

The student will continue to receive services after they return to their current placement following a suspension.

- The student will continue to receive services at an alternative placement as well.
-

³⁹ 34 CFR § 300.530 (g)

⁴⁰ 34 CFR § 300.530 (k) (3-4)

⁴¹ 34 CFR § 300.530 (e)

⁴² 34 CFR § 300.530(k)(1)(D)



STUDENTS WHO MAY NEED IEPs

Additional Protections

Students who are not yet receiving special education services may benefit from additional protections as well.

Students who are suspected of having a disability are given additional protection, **IF** the school had prior knowledge of the suspected disability.⁴³

The school had prior knowledge when:⁴⁴

- Parents have expressed concern to the school about their student in writing
- Parents have requested an evaluation from the school in writing
- The student's teacher has expressed concern. Although parents may refer to teacher's concerns expressed orally, it is always best to have any concerns documented in writing.

The school did not have prior knowledge when:⁴⁵

- Parents refused student evaluation.
- Parents refused special education services.
- Student has been evaluated and determined not to be eligible to receive special education services.

Parents may request an evaluation at any time.

If an evaluation is requested during the time the student is being disciplined, the evaluation must be done in an expedited manner.⁴⁶

- Pending results, the student will remain eligible to be disciplined in the manner determined by the school

⁴³ 20 USC § 1415 (k) (5) (A)

⁴⁴ 20 USC § 1415 (k) (5) (B)

⁴⁵ 20 USC § 1415 (k) (5) (C)

⁴⁶ 20 USC § 1415 (k) (5) (D)



504 PLANS

Additional Protections

Photo by Stanley Morales from Pexels

Schools and Districts must follow proper procedures for changing a student's placement. Expulsion is considered a change of placement.

A student receiving 504 accommodations may not be expelled if the behavior is related to their disability. The process for determining whether a behavior is related to a disability is called a manifestation determination.

- If the behavior is a manifestation of the student's disability, the 504 team should evaluate the needs of the student and determine if the services and current placement are appropriate.
- The school should also do a functional behavioral assessment and develop a behavior plan.

Equal Treatment

The school can only expel a student with a disability if a student without a disability would be expelled for the same behavior or action.

**If proper procedure is not followed,
a complaint may be filed with the US Department of Education -
Office of Civil Rights**

Students, parents, or anyone else may file a complaint if they believe that the student has been discriminated against because of their disability:

- The complaint must be filed within 180 days of the incident.
- Or
- If a complaint is filed with the local school district, it must be filed within 60 days of the last act of the local school district's complaint procedure.

For more information, visit the
U.S. Department of Education's website at:
<http://www2.ed.gov/about/offices/list/ocr/index.html>



ABOUT SCHOOL RECORDS

Additional Information

Parents have the right to correct or remove any information in the student's school records that is inaccurate or misleading.⁴⁷

Parents can request a hearing to challenge any information they believe is wrongfully included in a student's records. For example, parents can use record correction/removal to challenge suspensions or other forms of discipline in their student's record.

If the school does not correct inaccurate information:

- Parents can appeal the decision
- Parents can insert comments into the records to contest the included information

Parents have the right to review the student's records.⁴⁸

The records must be available:⁴⁹

- Within 5 business days after the request
- During regular school hours
- At a specified location
- Along with qualified certified personnel to interpret the records if the parent requests this

Want to know more about your school's overall performance?

You can visit the California School Dashboard to learn about your school or school district's performance data around suspensions, expulsions, and academics: <https://www.caschooldashboard.org/>

⁴⁷ Cal. Ed. Code § 49070

⁴⁸ 20 USC § 1232 (g)(1)(B)

⁴⁹ Cal. Ed. Code § 49069

ADDITIONAL RESOURCES

Photo by Element5 Digital from Pexels

The California Department of Education
www.cde.ca.gov

Fix School Discipline Website
www.fixschooldiscipline.org

The National Center on Safe Supportive Learning Environments
<https://safesupportivelearning.ed.gov/>

California Compilation of School Discipline Laws and Regulations
<https://safesupportivelearning.ed.gov/sites/default/files/discipline-compendium/California%20School%20Discipline%20Laws%20and%20Regulations.pdf>

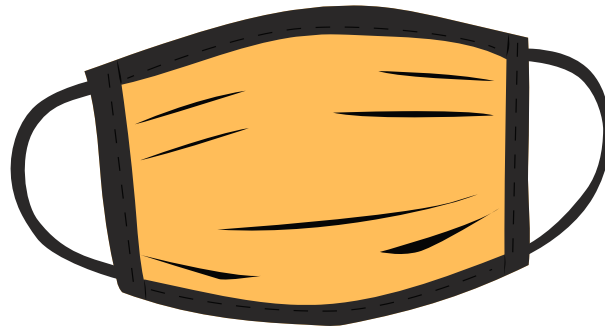
Understood – for learning and attention issues
www.understood.org

US Department of Education - Office for Civil Rights
www2.ed.gov/about/offices/list/ocr/index.html

Office of Administrative Hearings
<https://www.dgs.ca.gov/OAH>



COVID-19 Notice



Our parent handbook intends to provide information about the CA education code prior to the novice COVID-19 pandemic. This includes school discipline procedures like detention, suspension, and expulsion processes that would have occurred in-person at the school site. COVID-19 has required districts to adopt procedures not fully explained through the current CA education code and procedures to adapt to COVID-19 are continuously changing. Considering how COVID-19 has affected your student's district is important to keep in mind for the reader, as in-person schooling may have changed. In distance learning, keep in-mind the virtual learning or hybrid learning methods of your school district. For parents with younger students, access to learning, and learning loss due to discriminate exclusions should be the main focus to keep a lookout.

For more information see our "COVID-19 Notice" in the back of the handbook



Access to Learning

California Education Code, Section 43503(b) requires that:

1. Distance learning points to a “confirmation and provision of access to all students:
 - a. Connection to the internet.
 - b. Technology devices to participate in the educational program to complete work assignments.

CA Education Code is unclear on many issues such as

What is “adequate” internet connection and technology devices?

Who is responsible for training on how to use internet hot spots and devices?

Whether the technology support must be provided for each pupil or each household?

- Households with multiple students needing access to the internet and devices during distance learning should make their needs known to the school district.
- Households with parents or adults who struggle with technologies should ask school districts for support and training to access the internet, school software, and needed computer programs for their students.
- Households experiencing difficulties should document any obstacles, specifically access to internet connectivity and devices, that prevent your student(s) from being able to participate in their classes and complete their class assignments to present to school administrators.

Learning loss due to discriminate exclusion or concerning exclusionary practices.

Parents or caretakers of Black students, other students of color, and of students with disabilities should be alert for exclusionary discipline practices that result in student's learning loss due to removal from virtual class time.

Examples of concerning exclusionary practices by teachers and school districts include multiple occasion of:

- A student placed into a virtual breakout room,
- Student muted from participating in class lecture,
- The student's cameras shut off during class time,
- Targeted reproach from a teacher to student.

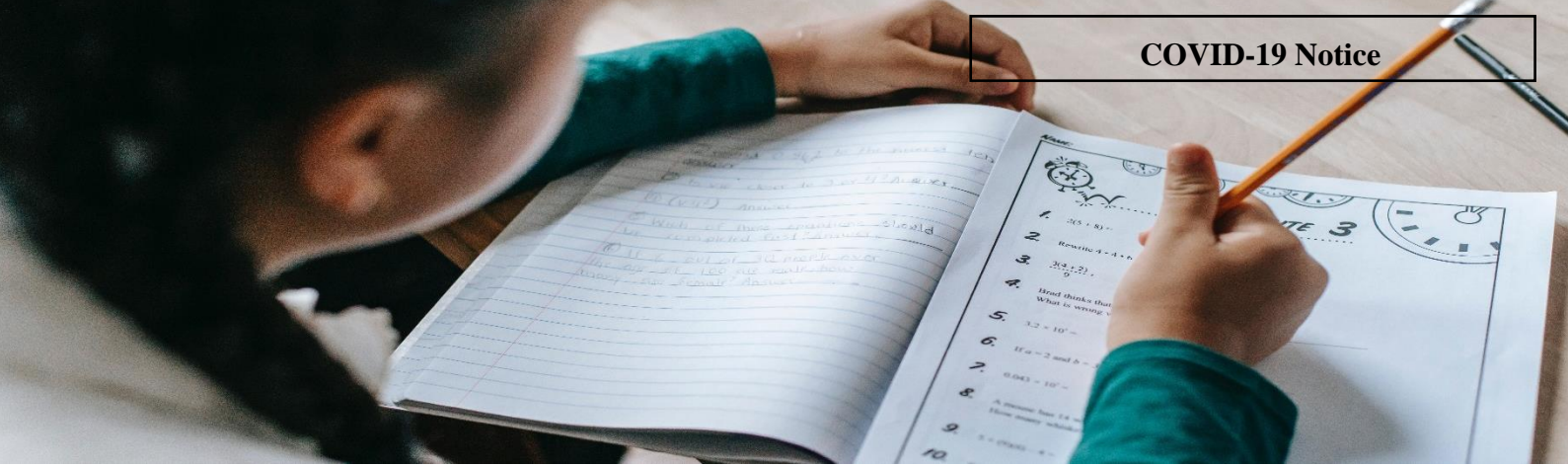
These examples demonstrate how students are kept from participating fully in their education. Schools cannot deny students participation and access to education. During distance learning, online classes are the only time students can interact with their peers and have access to their teachers. Learning time in this setting is even more critical for students to participate in their online classes since it is limited.

Parents should document in detail any exclusionary practices by school districts and teachers. By writing down these incidents and maintaining a record, parents can demonstrate repeated exclusionary practices used by teachers and school districts. Parents should notify school administrators and urge them to stop any exclusionary practice or seek legal advice.

Virtual Classroom

Parents should be alert to the surroundings of their student's virtual classroom space. In the virtual classroom, the same rules apply as if the student was present at the school site. Virtual access to the student's home raises the threat of hyperactive surveillance and criminalization.

In the back of the Parent Guidebook, you can find a sample form to document your communication with the school district in regards to exclusionary practices that are concerning.



Students with Disabilities

The educational rights of students with IEPs or suspected disabilities have not changed during distance learning. This means Districts should continue to comply with education laws detailed in the handbook. If students with IEPs are subjected to the exclusionary practices mentioned above and/or learning loss, students have the same rights as they did prior to the school closures. Parents have the right to request a 30 day IEP to address concerns and the District is required to hold the IEP in that time frame. A sample 30 day IEP Request form can be found at the end of this handbook. Even though IEP meetings are currently being held remotely, parents have a right to parent participation, which includes using a platform to convene the meeting that is accessible to parents and having translation during the virtual meeting.

If a student with an IEP is referred for an expulsion during distance learning, the school district is still required to hold a “Manifestation Determination” meeting as described on page 27 of this handbook. Parents should seek legal advice if their child is referred for an expulsion.

If a student does not have an IEP but the parent suspects they might have a disability and are subjected to the exclusionary practices mentioned above and/or learning loss, parents may still request an evaluation of Special Ed Services at any time. Please note that each district is responding to requests for evaluations during distance learning differently and it will be best to inquire with your district’s Special Education office what their current policies are around evaluations. However, despite these practices, Districts are still required to conduct assessments under California education law. A sample Special Education Evaluation request form can be found at the end of this handbook.

Students with 504 plans should continue to receive their accommodations during distance learning. Parents may request a 504 Team Meeting to ensure that the student’s plan is adapted to meet the students’ needs during distance learning.

You can find sample forms to document your communication with the school district about your requests for connectivity and devices in the back of the handbook.

DOCUMENTING FORMS

Requesting and Documenting Access to Learning

Date: ____/____/____

Parent/Caretaker's Name:

Student's Name:

School District:

Name of School:

Does your Child have access to distance learning: Yes No

Special Education Student: Yes No

RE: Request for Devices and Connectivity to Participate in Distance Learning

Dear Sir or Madam:

I am writing to request internet access and a computer provided by the school district so that my child, _____ can participate in distance learning and complete assignments. Section 43503(b) of the California Education Code, requires a provision of access for all pupils to connectivity, and devices, during distance learning for a student to participate in the educational program, and to complete assigned work.

Due to the lack of internet access and computer devices, _____ has not been able to participate during distance learning and complete assignments.

Please provide the necessary equipment for my child to participate in distance learning and so they can complete their class assignments.

Sincerely,

Signature of Parent/Legal Guardian

Print Name/Relationship to Student

Documenting Request to Access to Distance Learning

Date	Communication - phone, email, online, in person, other.	Summary of Request	Request's Outcome

The previous attempts at contacting the school district have not resulted in _____'s gaining access to any device(s) and internet connection. Therefore, I am writing to urge your resolution to timely provide a device and internet connection, in compliance with section 43503(b) of the California Education Code.

Sincerely,

Signature of Parent/Legal Guardian

Print Name/Relationship to Student

Documenting Concerning Exclusionary Practices

Caretaker Name: _____

Student's Name: _____

School District: _____

Name of School: _____

_____ Teacher's

Name: _____ Date and

Time: _____ Where did

the incident happen? Distance Learning In person

Description of Incident(s):

Document all concerning exclusion incidents your child experiences. The information collected will help parents to advocate for their student's education needs.

