



Christopher Ahmad <christopher.ahmad@aimschools.org>

---

## incident report 04/19 11am

1 message

---

tracy welsh <itracywelsh@gmail.com>

Fri, Apr 19, 2019 at 2:32 PM

To: Christopher Ahmad <christopher.ahmad@aimschools.org>

On Friday, April 19 at approximately 11:15 am the incident occurred between Dawit Lulseged and Steve Stevenson, also know as Sainbayar Khuchitbaatar.

The culminating incident occurred when Dawit left his seat in the front right 1/3 of the classroom and traveled all the back to the back center of the classroom to physically attack Steve. Dawit punched Steve hard on the right side of the head/face, with such force that Steve was knocked to the ground on the left side.

Prior to the event, Dawit, after repeated warnings, to; stay in his seat, stop talking, not to hold on to and/or enter his backpack during class time, to put his backpack away, among other warnings. As a result, Dawit was moved to a designated seat, right next to my teachers' desk. The test was given and the class took about an hour to finish the test. At the completion of the test, I collected the test papers and the students were directed to clear their desks of everything, including pencils. I then proceeded to pass out a random students tests' to another random student, as well a red pen to each student, for a peer review of the test. We then went through the test, question by question. At one point, Dawit grew incredibly upset that Steve was "erasing" on his test. He claimed he saw this even though there was a considerable distance between them. I assured Dawit this was not the case and regardless, I would be re-checking all the tests. Steve assured me as well that he was not marking or erasing his peer review test, which was Dawits'. None the less, Dawit was very upset, even close to tears. Several times I asked him if he needed to get some water or go to the bathroom to get himself together. He declined. After we finished the 21st and final question and I began to re-collect the test papers from the front left side of the room. About 60 seconds into my collection process, I looked up from interacting with a student near the front of the classroom, to see Steve crying on the ground and many students standing up and looking frightened and Dawit looking very angry and confused. Steve's desk was between Dawit and Steve at the time. I immediately went to separate Dawit entirely from the scene, which I did with my physical body. I was then able to see to Steve and make sure he was at least alright in that moment. Seeing that Steve was coherent and responsive, though crying and upset, I was able to direct Dawit out of the classroom and have a student accompany him to Mr.Amad's office.

It was at this time that a student brought to my attention the fact that Dawit had threatened him with death earlier in the day and that he, Dawit, had a knife in his backpack. That student was Agar Bayasgalan

- Tracy Welsh 4/19/19

# Incident List

Luiseged, Dawit 5 11860 AIPC2

## Search Filter

Filter by:  Date Range  Incident Title  Incident ID  Incident Type

Search

Incidents - Total Found: 1

Create New Incident

ID	Title	Incident Date	School
2001	Knife	04/27/2019 11:47 AM	American Indian Public Charter School II

<< First < Previous 1 Next > Last >>

25

img-429112532-0007.tif    img-429112532-0005.tif    img-429112532-0002.tif    img-429112532-0001.tif

Show all

11:32 AM 4/29/2019

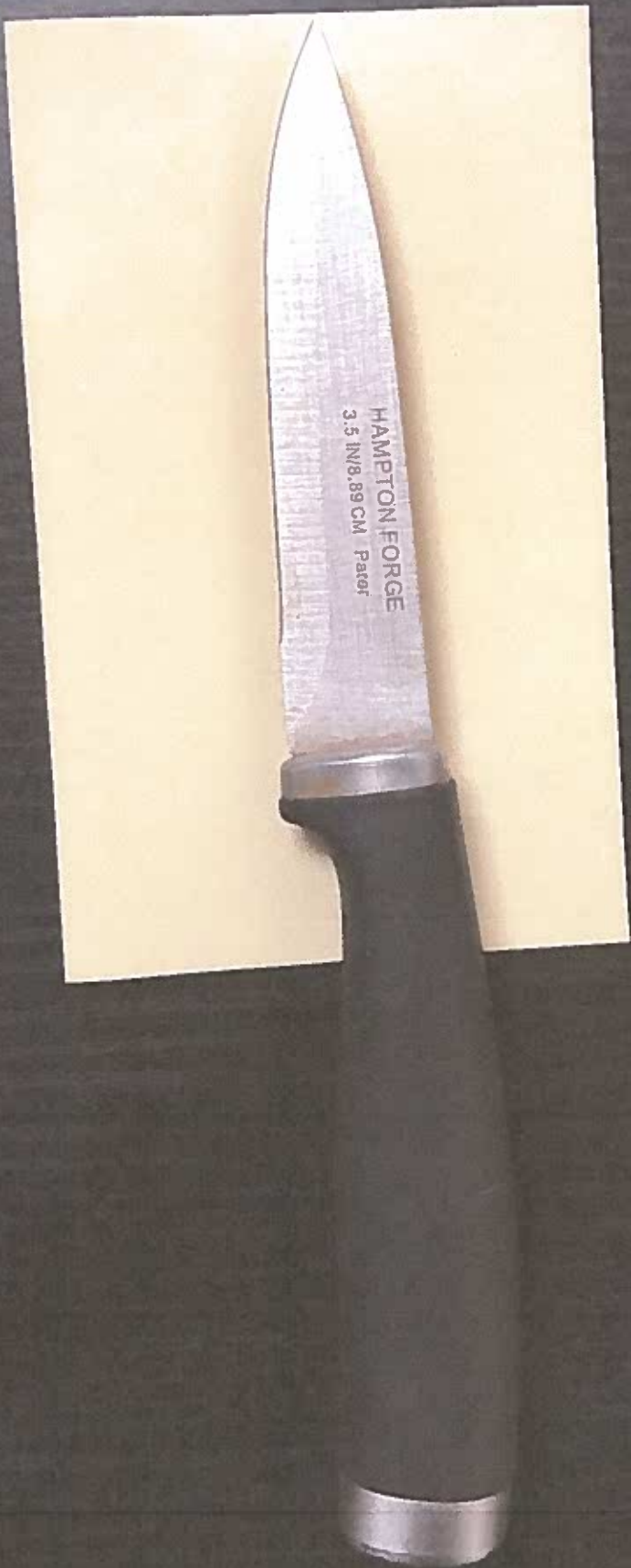
### Incident Details

Lulseged, Dawit 5 11880 AIPC2

Incident Description			
Incident ID: 2001			
School	American Indian Public Charter School II		
Incident Type	CA State Reporting^		
Incident Date	04/27/2019 Time: 11:47 AM		
Time Frame	No codes have been configured. 512 characters left		
Title	Knife		
Description	A student brought a knife to school to use it to scare students who were threatening to bully him. He also punched a student in the face.		
Location	No codes have been configured. 512 characters left		
Location Description	Room 10, Mr. Cabrera's class		
Prepared by	Christopher Ahmad	Financial Impact (\$)	
Created By	Christopher Ahmad (cahmad)	Created On	04/27/2019 11:47:12 AM
Last Modified By	Christopher Ahmad (cahmad)	Last Modified On	04/27/2019 11:47:12 AM

Incident Builder																													
<table border="1"> <thead> <tr> <th colspan="2">Participants</th> </tr> </thead> <tbody> <tr> <td colspan="2"><b>Reporters</b></td> </tr> <tr> <td colspan="2">Christopher Ahmad</td> </tr> <tr> <td colspan="2"><b>Victims</b></td> </tr> <tr> <td colspan="2">Steve Stevenson Subhan Rabbi Barakzal Angel Andres Andres De La Cruz</td> </tr> <tr> <td colspan="2"><b>Offenders</b></td> </tr> <tr> <td colspan="2">Dawit Lulseged</td> </tr> <tr> <td colspan="2"><b>Witnesses</b></td> </tr> <tr> <td colspan="2">Larry Caldwell III Meribel Esperanza Quinteros</td> </tr> </tbody> </table>	Participants		<b>Reporters</b>		Christopher Ahmad		<b>Victims</b>		Steve Stevenson Subhan Rabbi Barakzal Angel Andres Andres De La Cruz		<b>Offenders</b>		Dawit Lulseged		<b>Witnesses</b>		Larry Caldwell III Meribel Esperanza Quinteros		<table border="1"> <thead> <tr> <th colspan="2">Incident Elements</th> </tr> </thead> <tbody> <tr> <th>Type</th> <th>Description</th> </tr> <tr> <td>Action</td> <td>(100) Suspension^</td> </tr> <tr> <td>Behavior</td> <td>[1] (101) Possession/Sale/Furnishing a Firearm/Knife^</td> </tr> <tr> <td>Behavior</td> <td>[2] (500) Caused Physical Injury^</td> </tr> </tbody> </table>	Incident Elements		Type	Description	Action	(100) Suspension^	Behavior	[1] (101) Possession/Sale/Furnishing a Firearm/Knife^	Behavior	[2] (500) Caused Physical Injury^
Participants																													
<b>Reporters</b>																													
Christopher Ahmad																													
<b>Victims</b>																													
Steve Stevenson Subhan Rabbi Barakzal Angel Andres Andres De La Cruz																													
<b>Offenders</b>																													
Dawit Lulseged																													
<b>Witnesses</b>																													
Larry Caldwell III Meribel Esperanza Quinteros																													
Incident Elements																													
Type	Description																												
Action	(100) Suspension^																												
Behavior	[1] (101) Possession/Sale/Furnishing a Firearm/Knife^																												
Behavior	[2] (500) Caused Physical Injury^																												
<input type="button" value="Cancel"/> <input type="button" value="E"/>																													
<p>Change Reason</p>																													







HAMPTON FORDS



1 kudas \*

2 arif

3 stephen

4 nihara

5 matias

6 dawit

7 agar

8



On Friday, April 19th, Dawit Lulseged was brought to my office for causing a disturbance in class. Dawit told me that he was sent out because he pushed a student named Steve Stevenson. Dawit claimed that Steve was erasing his correct test answers and putting wrong answers. The students were self correcting their tests. Dawit got upset at this and claims to have pushed Steven out of his seat. The Dean of Students, Mr. Dizon went to investigate the matter further. He talked to the class and Steve. Steve had a red mark on his face. It was later to be revealed that Dawit punched Steve in the face. Mr. Welsh, their long-term substitute teacher had been saying something was wrong with Dawit this week. He wasn't acting as his normal self. He was moody and anxious and every new seat he was placed in made him more agitated and moody. Another student, Larry Caldwell came to my office to tell me more about the situation. He told me that Dawit had a knife in his backpack. I went to get Dawit's backpack and had him empty out the contents of his bag. He was opening the zippers and emptying the contents carefully. He then opened up his top pocket zipper in the bag and a sharp kitchen/steak knife fell out.

I asked him why it was there. He told me that he was using it for breakfast and then it fell. I talked to another student, Maribel Quinteros, who said that Dawit showed her the knife in the morning. After talking to Dawit some more, he admitted that he brought the knife in for self defense. He has been bullied in the past, with an incident involving students taking his lunch bag and throwing it in the girl's restroom. Dawit told me that two students named Subhan and Angel told him there was a "Beat List." This was a list of students that they created along with fellow student Krishawn McGee. The students on this list were going to get beaten up any time from that week until the end of the year. They told Dawit that he can expect to get beaten up soon. Dawit told me that he did not tell a teacher, parent, adult, staff member, or anyone else. He was extremely terrified and didn't know what to do. He was on edge and scared and couldn't stand the fact that at any moment, he would be the victim of a beating. He started crying and told me that he brought it to scare them. He didn't want to stab them, only scare them, so they would leave him alone.

I called the two boys, Subhan and Angel into my office. At first they did not want to tell me about the list. I then told them I talked to Dawit and found out everything. The two boys admitted to me that they were telling Dawit they were going to beat him up and he was on the "beat list." They told him this verbally, and didn't have an actual list. They told me that Krishawn was the ring leader of this list. It was his idea to create the list and he actually had a real list in his desk. Mr. Dizon went to Krishawn's desk to get the list. Subhan and Angel saw the 7 names on there and confirmed that was the list. Once again, they said it was just a joke, they weren't really going to do anything. By talking with the students some more, they explained that they put people on the list who annoyed them, and told them about the list as a joke. It was even revealed by the boys that they would ask for money or junk food in exchange to be taken off the list. They collected money from another student named Stephen Weeks in order to be taken off the list. According to witness statements, Dawit showed the knife to students in the morning. He didn't threaten anyone with it, he was just showing a few of his friends that he had it. He

never pulled it out on the boys that were bullying him. Krishawn, the ring leader of this, was absent on that day.

-Christopher Ahmad



4/19/19

Dawit  
Luisaged

So I brought a knife, because 3 kids in my class named Subnan, Angel, and Stephen said I was on their beating list. A beating list means at the end of the year or any day they said they were going to push me or hit me and run away. So that is the reason why I brought a knife. But with the knife I wasn't going to hit them with it. I was just going to scare them away with a knife. They been treating me ~~bad~~ at this year. They were saying bad stuff to me but sometimes their nice to me once in a while. We were

doing a test then after we were cheating. It then I thought that he was changing my answer but I was just making a mistake. Then I punched him. Then after I got

in trouble. I did some thing wrong and I should of not done it. Also sorry Steve for punching your face I hope you accept it apogly. They are not bullying me that much anymore. I just brought a knife because I was on their beating list. Also people are paying them money to not be

on their beating list. It was just Stephen that paid Angel \$3 not to be on his beating list. I am sorry for bringing a knife and doing bad stuff. I should of just made these right disigns.

4/19/19

Krishawn made something called a beating list. Waw and some others were on the list. Angel took money from Stephen so he can get off the list. Krishawn told Dawit that he was on the list. Then Dawit didn't care at first. The Krishawn told me and Angel that he was going to make Dawit bleed and make his knee caps pop. Then I went to Dawit and told him what Krishawn said. He told me that he will bring a knife to school to protect himself from Krishawn. Then I told Dawit that I was going to beat him up as a joke he laughed at the joke. Then I went to Krishawn and asked him why he was doing this. Then he told me that he was annoying and he may not come to this school next year. After school I asked Dawit if he really was going to bring a knife and he said maybe, maybe not. Then during class Dawit wouldn't go near Krishawn. Then the next day Dawit told me who else was on the list. I told him Steve, Agar, Edris, and Arif. He asked me who created the list and who put the name on the list's. I told him that Krishawn made the list and put the names on the list. The day Dawit brought the knife he showed me, Angel, Larry, Edris, and Matias. He told us that it was for Krishawn.

Name! Subhan.

Stephen

During P.E. Krishshawn said you have to give me \$10 or snacks. Then Angel and Subhan said you owe me \$5. I thought they were joking but they said I was on there owing list.

When I got nachos from Idris they said I owe them. I just gave Angel \$3 and they didn't ask again. Dawit made a joke about it. They started to put more people on there because they thought they were annoying. I thought it was a joke to get money.

Maribel, Maha

Dawit told me he had a knife. Then went to his backpack. Then showed me and Naibon the knife. So what happened about the fight was we were checking are test and after we finished Dawit got out of his seat and went to steve's desk and punched steve and steve fall in the floor then Dawit took his test back.

---

Dawit did this because he thought that Steve changed his answers on the test. So Dawit got mad and hit Steve.



Amy

When we were done with correcting our test Dawit got up and trying to take the test from Steve. When Steve did not give him the paper Dawit punched Steve. After Steve fell on the floor Dawit fell on purpose so he could tell other people that Steve pushed him when he did not.

Krishna  
The story of the beating list is that I thought about the beating list. Then I told my friends that I wrote the list of the people who was being annoying and bothering me, I put them on a list to beat them up but I actually was not going to beat them up. What some people was talking about me behind my back bumping into me on purpose and also talking about and it made me mad. And that's what made the list. Also what made me make it was that it came from anger. And I was not thinking about what could happen to me or anybody else. Now I realize what I did was not good because those bad things could happen or maybe even more.

School: American Indian Public Charter School II Term: 18-19 Quarter 4

## General Demographics

Lulseged, Dawit 5 11860 AIPC2

<b>Name (Last, First Middle)</b>	Lulseged	*	Dawit
		Does Not Apply	
<b>Legal Name (Last, First Middle Suffix)</b>			
		Does Not Apply	
	Legal Name is only required to be populated if different than the (preferred) name above.		
<b>Home Address</b>			
Street, Apt/Suite	3700 Lincoln Avenue		#4
City, State, Zip	Oakland	CA	94602
Geocode			
<b>Mailing Address - Copy From Home Address</b>			
Street, Apt/Suite	P.O. Box 72273		#4
City, State, Zip	Oakland	CA	94612
Geocode			
<b>Home phone</b>	510-290-9307		
<b>Parent/Guardian Address if different from student address</b>			
Street			
City, State, Zip			
<b>Guardian Address Verification method</b>			
<b>Age</b>	10 years 7 months		
<b>Aggregate days of membership (YTD)</b>	149		
<b>Area/neighborhood</b>			
<b>DOB</b>	09/04/2008		
<b>DOB Verification Method</b>			
<b>Federal Ethnicity and Race</b>			
<b>Ethnicity</b>	<input type="radio"/> Yes <input checked="" type="radio"/> No	Is the student Hispanic or Latino?	
<b>Race</b>	What is the student's race?		

(100) American Indian or Alaska Native
  (600) Black or African American  
 (700) White

**(200) Asian**

(201) Chinese
  (202) Japanese
  (204) Vietnamese  
 (205) Asian Indian
  (208) Hmong
  (206) Laotian  
 (289) Other Asian
  (203) Korean
  (207) Cambodian  
 (400) Filipino

**(300) Native Hawaiian/Other Pac Island**

(304) Tahitian
  (301) Hawaiian
  (302) Guamanian  
 (303) Samoan
  (399) Other Pac Islander

**Scheduling/Reporting Ethnicity**

**Father (last, first)**

Black or African American (600)

Girma, Lulseged

**Father's Day Phone**

510-593-9337

**Father's Employer**

**Father's Home Phone**

510-772-7841

**Father's Email**

lulsegedg@yahoo.com

**Gender**

Male \*

**Legal Gender**

Legal Gender is only required to be populated if different than the (preferred) gender above.

**Grade Level**

5

**Graduation Year**

**Guardianship**

Father/Mother

**Guardian Email**

**Mother (last, first)**

Ayalkibet, Meskerem

**Mother's Day Phone**

510-290-9307

**Mother's Employer**

**Mother's Home Phone**

**Mother's Email**

**Home Language**

**Previous Student ID**

**SSN**

**Student Number**

11860





# TRANSCRIPT OF STUDENT PROGRESS

## 2015-2016

District Office  
 171 12th Street, Oakland, CA 94607  
 510-893-8701  
<http://www.aimschools.org/>

<b>Dawit Lulseged</b>	<b>Course Name</b>	<b>Grade</b>	<b>S1</b>	<b>Credit</b>	<b>S2</b>	<b>Credit</b>
Student Number: 11860	<b>15-16 American Indian Public Charter School II</b>					
Birth Date: 09/04/2008	History	2	D	0	A	5
Gender: M	Language Arts	2	D	0	C	5
Address: P.O. Box 72273, #4	Mandarin	2	A	5	A	5
City: Oakland	Math	2	C-	0	C-	0
Zip: 94612	Physical Education	2	A	5	A-	5
Home Phone: 510-290-9307	Science	2	C	5	B+	5
Mother: Ayalkibet, Meskerem	<b>16-17 American Indian Public Charter School II</b>					
Father: Girma, Lulseged	History	3	B-	5	C-	0
Guardian:	Language Arts	3	B-	5	C-	0
Current Teacher: Dizon, Eric	Mandarin	3			B	2.5
Grade: 5	Math	3	B	5	B-	5
	Physical Education	3	A-	5	A	5
	Science	3	A	5	D+	0
<b>Current Yr Attendance</b>	<b>17-18 American Indian Public Charter School II</b>					
Days Enrolled: 831	History	4	C-	0	C+	5
Absences: 0	Language Arts	4	C	5	C	5
Tardies: 0	Mandarin	4	A-	5	A-	5
	Math	4	C	5	C	5
	Physical Education	4	A	5	A	5
	Science	4	C-	0	C	5
	<b>18-19 American Indian Public Charter School II</b>					
	History	5	B	5		
	Language Arts	5	B+	5		
	Mandarin	5	A-	5		
	Math	5	A-	5		
	Physical Education	5	A-	5		
	Science	5	C-	0		
<b>Test Scores</b>						

\_\_\_\_\_  
 School Official



# TRANSCRIPT OF STUDENT PROGRESS

## 2016-2017

District Office  
 171 12th Street, Oakland, CA 94607  
 510-893-8701  
<http://www.aimschools.org/>

<b>Dawit Lulseged</b>	<b>Course Name</b>	<b>Grade</b>	<b>S1</b>	<b>Credit</b>	<b>S2</b>	<b>Credit</b>
Student Number: 11860	<b>15-16 American Indian Public Charter School II</b>					
Birth Date: 09/04/2008	History	2	D	0	A	5
Gender: M	Language Arts	2	D	0	C	5
Address: P.O. Box 72273, #4	Mandarin	2	A	5	A	5
City: Oakland	Math	2	C-	0	C-	0
Zip: 94612	Physical Education	2	A	5	A-	5
Home Phone: 510-290-9307	Science	2	C	5	B+	5
Mother: Ayalkibet, Meskerem	<b>16-17 American Indian Public Charter School II</b>					
Father: Girma, Lulseged	History	3	B-	5	C-	0
Guardian:	Language Arts	3	B-	5	C-	0
Current Teacher:	Mandarin	3			B	2.5
Grade: 5	Math	3	B	5	B-	5
	Physical Education	3	A-	5	A	5
	Science	3	A	5	D+	0
<b>Current Yr Attendance</b>	<b>17-18 American Indian Public Charter School II</b>					
Days Enrolled: 609	History	4	C-	0	C+	5
Absences: 0	Language Arts	4	C	5	C	5
Tardies: 9	Mandarin	4	A-	5	A-	5
	Math	4	C	5	C	5
	Physical Education	4	A	5	A	5
	Science	4	C-	0	C	5
<b>Test Scores</b>	<b>18-19 American Indian Public Charter School II</b>					
	History	5	B	5		
	Language Arts	5	B+	5		
	Mandarin	5	A-	5		
	Math	5	A-	5		
	Physical Education	5	A-	5		
	Science	5	C-	0		

\_\_\_\_\_  
 School Official



## TRANSCRIPT OF STUDENT PROGRESS 2017-2018

District Office  
171 12th Street, Oakland, CA 94607  
510-893-8701  
<http://www.aimschools.org/>

<b>Dawit Lulseged</b>	<b>Course Name</b>	<b>Grade</b>	<b>S1</b>	<b>Credit</b>	<b>S2</b>	<b>Credit</b>
Student Number: 11860	<b>15-16 American Indian Public Charter School II</b>					
Birth Date: 09/04/2008	History	2	D	0	A	5
Gender: M	Language Arts	2	D	0	C	5
Address: P.O. Box 72273, #4	Mandarin	2	A	5	A	5
City: Oakland	Math	2	C-	0	C-	0
Zip: 94612	Physical Education	2	A	5	A-	5
Home Phone: 510-290-9307	Science	2	C	5	B+	5
Mother: Ayalkibet, Meskerem	<b>16-17 American Indian Public Charter School II</b>					
Father: Girma, Lulseged	History	3	B-	5	C-	0
Guardian:	Language Arts	3	B-	5	C-	0
Current Teacher:	Mandarin	3			B	2.5
Grade: 5	Math	3	B	5	B-	5
	Physical Education	3	A-	5	A	5
	Science	3	A	5	D+	0
<b>Current Yr Attendance</b>	<b>17-18 American Indian Public Charter School II</b>					
Days Enrolled: 400	History	4	C-	0	C+	5
Absences: 2	Language Arts	4	C	5	C	5
Tardies: 18	Mandarin	4	A-	5	A-	5
	Math	4	C	5	C	5
	Physical Education	4	A	5	A	5
	Science	4	C-	0	C	5
	<b>18-19 American Indian Public Charter School II</b>					
	History	5	B	5		
	Language Arts	5	B+	5		
	Mandarin	5	A-	5		
	Math	5	A-	5		
	Physical Education	5	A-	5		
	Science	5	C-	0		
<b>Test Scores</b>						

School Official



# TRANSCRIPT OF STUDENT PROGRESS

## 2018-2019

District Office  
 171 12th Street, Oakland, CA 94607  
 510-893-8701  
<http://www.aimschools.org/>

<b>Dawit Lulseged</b>	<b>Course Name</b>	<b>Grade</b>	<b>S1</b>	<b>Credit</b>	<b>S2</b>	<b>Credit</b>
Student Number: 11860	<b>15-16 American Indian Public Charter School II</b>					
Birth Date: 09/04/2008	History	2	D	0	A	5
Gender: M	Language Arts	2	D	0	C	5
Address: P.O. Box 72273, #4	Mandarin	2	A	5	A	5
City: Oakland	Math	2	C-	0	C-	0
Zip: 94612	Physical Education	2	A	5	A-	5
Home Phone: 510-290-9307	Science	2	C	5	B+	5
Mother: Ayalkibet, Meskerem	<b>16-17 American Indian Public Charter School II</b>					
Father: Girma, Lulseged	History	3	B-	5	C-	0
Guardian:	Language Arts	3	B-	5	C-	0
Current Teacher:	Mandarin	3			B	2.5
Grade: 5	Math	3	B	5	B-	5
	Physical Education	3	A-	5	A	5
	Science	3	A	5	D+	0
<b>Current Yr Attendance</b>	<b>17-18 American Indian Public Charter School II</b>					
Days Enrolled: 186	History	4	C-	0	C+	5
Absences: 1	Language Arts	4	C	5	C	5
Tardies: 11	Mandarin	4	A-	5	A-	5
	Math	4	C	5	C	5
	Physical Education	4	A	5	A	5
	Science	4	C-	0	C	5
<b>Test Scores</b>	<b>18-19 American Indian Public Charter School II</b>					
	History	5	B	5		
	Language Arts	5	B+	5		
	Mandarin	5	A-	5		
	Math	5	A-	5		
	Physical Education	5	A-	5		
	Science	5	C-	0		

School Official



**Powerschools Attendance Record:**

**Dawit Lulseged**

**2018-2019 Absences: 1 Tardies: 11**

**2017-2018 Absences: 2 Tardies: 18**

**2016-2017 Absences: 0 Tardies: 9**

**2015-2016 Absences: 0 Tardies: 0**

**Date Enrolled 6/18/2015**

American Indian Public Charter School II  
171 12th Street, Oakland CA 94607  
Phone: 510.893.8701, Fax: 510.893.0345

Q3 Report Card

Teacher Name: Cabrera, Brian  
January 14, 2019 - March 22, 2019

Student Name: Luiseged, Dawit  
Grade Level: 5

Course	Teacher	GR	%	A	T	TT
Home Room 5	Cabrera, Brian	--	0	4	11	0
Language Arts	Cabrera, Brian	B+	88	0	0	0
Math	Cabrera, Brian	B-	80	0	0	0
Science	Cabrera, Brian	A	98	0	0	0
History	Cabrera, Brian	A	98	0	0	0
Physical Education	Gaston, Stephanie	A-	93	0	0	0
Mandarin	Guying, Bevans	A-	90	0	0	0

Current Term GPA: 3.00

Comment:  
I've really missed working with Dawit this semester. I'll be coming back into the classroom for at least a week in May.  
Parent Signature \_\_\_\_\_



AMERICAN INDIAN MODEL SCHOOLS  
NOTICE OF SUSPENSION

THE FOLLOWING STUDENT HAS BEEN SUSPENDED FOR VIOLATION OF SCHOOL RULES:

First Name	Dawit	Last Name	Luleged
Date of Birth	09/10/08	Grade	5
Special Education	Yes No	Sex	Male <input checked="" type="checkbox"/> Female
Parent / Guardian	Luleged Gitna	Phone Number	510-593-9337
Street Address	3700 Lincoln Ave	City, State, Zip	Oakland CA 94602
Parent Notified By Phone	Parent Requested to Call School		Parent Conference
Statement of Facts:	During puncher, another student The force he used brought a knife to school and planned to use it to threaten students.		

AS A RESULT, YOUR CHILD HAS BEEN SUSPENDED FOR THE FOLLOWING REASONS:

(A) Physical Injury or Violence: Caused, attempted to cause, or threatened to cause physical injury to another person; or willfully used force or violence upon another person, except in self-defense. A pupil who aids or abets in infliction of physical injury to another may be suspended but not expelled.

Any of these above offenses may be grounds for expulsion.

Date(s) of suspension:	April 22-29	Number of Days:	5
Student may return to school on date:	April 30 <sup>th</sup> , 2019		
Recommending Administrator:	Christopher Ahmad	Date:	
Dean's Signature		Date:	4/19/2019



American Indian  
Model Schools  
*A School at Work!*

**Christopher Ahmad**  
*Elementary School Dean*

American Indian Model Schools  
171 12th Street  
Oakland, CA 94607

W. 510.893.8701 Ext. 20  
C. 925.325.6523  
E. christopher.ahmad@aimschools.org

Parents of Dawit Lulseged:

Dawit will be conditionally allowed to return back into the classroom on 4/30/2019. Pending an expulsion hearing with the AIMS Board of Directors, Dawit will be able to continue his education in another grade-appropriate classroom setting starting April 30<sup>th</sup>. He is not to have any contact with the students in Mr. Cabrera's class. Dawit will eat lunch and go to PE on the opposite wing (east) to avoid any contact with the involved students. He will also have his lunch brought down to him if he purchases the school lunch. Dawit will have to remain on the east wing during study hall in the morning and after school to avoid contact with the involved students. Dawit will also have to empty out the contents of his backpack every morning to confirm that any weapons or dangerous objects are not present. This will all continue until the expulsion hearing is held.

Administrator

Parent/Guardian

Date



American Indian  
Model Schools  
*A School at Work!*

American Indian Public Charter School II

171 12th St, Oakland, CA 94607

April 27, 2019

**1. GENERAL INFORMATION**

<b>Pupil's Name:</b>	Dawit		Lulseged
<b>Parents:</b>	Lulseged Girma(Father)		Ayalkibet Meskeren (Mother)
<b>Address:</b>	3700 Lincoln Ave #4, Oakland, CA 94602		
<b>Home Phone:</b>	510-593-9337	<b>Work Phone:</b>	
<b>Grade:</b>	5th	<b>Date of Birth:</b>	09/04/2008
<b>Special Ed:</b>	Y __ N <u>x</u>		
<b>Date Enrolled:</b>	06/18/2015		

**2. FACTS SUPPORTING RECOMMENDATION:**

On Friday, April 19th, Dawit Lulseged was brought to my office for causing a disturbance in class. Dawit told me that he was sent out because he pushed a student named Steve Stevenson. Dawit claimed that Steve was erasing his correct test answers and putting wrong answers. The students were self correcting their tests. Dawit got upset at this and claims to have pushed Steven out of his seat. The Dean of Students, Mr. Dizon went to investigate the matter further. He talked to the class and Steve. Steve had a red mark on his face. It was later to be revealed that Dawit punched Steve in the face. Mr. Welsh, their long-term substitute teacher had been saying something was wrong with Dawit this week. He wasn't acting as his normal self. He was moody and anxious and every new seat he was placed in made him more agitated and moody. Another student, Larry Caldwell came to my office to tell me more about the situation. He told me that Dawit had a knife in his backpack. I went to get Dawit's backpack and had him empty out the contents of his bag. He was opening the zippers and emptying the contents carefully. He then opened up his top pocket zipper in the bag and a sharp kitchen/steak knife fell out.

I asked him why it was there. He told me that he was using it for breakfast and then it fell. I talked to another student, Maribel Quinteros, who said that Dawit showed her the knife in the morning. After talking to Dawit some more, he admitted that he brought the knife in for self defense. He has been bullied in the past, with an incident involving students taking his lunch bag and throwing it in the girl's restroom. Dawit told me that two students named Subhan and Angel told him there was a "Beat List." This was a list of students that they created along with fellow student Krishawn McGee. The students on this list were going to get beaten up any time from that week until the end of the year. They told Dawit that he can expect to get beaten up soon. Dawit told me that he did not tell a teacher, parent, adult, staff member, or anyone else. He was extremely terrified and didn't know what to do. He was on edge and scared and couldn't stand the fact that at any moment, he would be the victim of a beating. He started crying and told me that he brought it to scare them. He didn't want to stab them, only scare them, so they would leave him alone.

I called the two boys, Subhan and Angel into my office. At first they did not want to tell me about the list. I then told them I talked to Dawit and found out everything. The two boys admitted to me that they were telling Dawit they were going to beat him up and he was on the "beat list." They told him this verbally, and didn't have an actual list. They told me that Krishawn was the ring leader of this list. It was his idea to create the list and he actually had a real list in his desk. Mr. Dizon went to Krishawn's desk to get the list. Subhan and Angel saw the 7 names on there and confirmed that was the list. Once again, they said it was just a joke, they weren't really going to do anything. By talking with the students some more, they explained that they put people on the list who annoyed them, and told them about the list as a joke. It was even revealed by the boys that they would ask for money or junk food in exchange to be taken off the list. They collected money from another student named Stephen Weeks in order to be taken off the list. According to witness statements, Dawit showed the knife to students in the morning. He didn't threaten anyone with it, he was just showing a few of his friends that he had it. He never pulled it out on the boys that were bullying him. Krishawn, the ring leader of this, was absent on that day.



3. **WITNESSES:**

Amy Sanchez - Witness Statement A  
Dawit Lulseged - Admittance Statement B  
Krishawn McGee - Witness Statement C  
Maribel Quinteros - Witness Statement D  
Stephen Weeks - Witness Statement E  
Subhan Barakzai - Witness Statement F  
Tracy Welsh - Witness Statement G  
Christopher Ahmad - Witness Statement H

4. **DISSEMINATION OF SCHOOL POLICY REGARDING STUDENT BEHAVIOR:**

Students were made aware of the school policy regarding student behavior at the beginning of the school year, as all parents are required to sign the AIMS Family Handbook.

5. Dawit Lulseged violated the following provisions of the Student Discipline Policy as Set Forth in the School Charter or Student/Parent Handbook:

**Dangerous Object:** Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from the principal or the designee of the principal.

6. **DISCIPLINARY RECORD:**

Dawit has no prior record of disciplinary incidents at American Indian Public Charter School II. His first reported incident was this one.

7. **ATTENDANCE RECORD:**

During the 2018-2019 academic school year, Dawit was absent 1 time and tardy 11 times. (Attendance Record C.d).

8. **ACADEMIC RECORD:**

Dawit currently has a GPA of 3.00.

9. **RECOMMENDATIONS:**

1. Based on the evidence and no prior history of serious disciplinary issues, I do not recommend Dawit Lulseged to be expelled from American Indian Public Charter School II.
2. I recommend that he be placed in another 5th grade class for the rest of the year and a separate class from the students involved for his remaining years at American Indian Public Charter School II.

I hereby declare under penalty, upon information and belief, that the foregoing is true and correct.

DocuSigned by:  
*Maya Woods-Cadiz*  
EB1E2BDB649C4E8

4/29/2019

\_\_\_\_\_  
Maya Woods-Cadiz, Superintendent

\_\_\_\_\_  
Date

**Attachments:**

- a) Witness Statements
- b) Disciplinary Record
- c) Attendance Record
- d) Academic Record
- e) Suspension and Expulsion Policy
- f) Evidence



WEDNESDAY, MAY 1st, 2019

In the Matter of the Possible Expulsion of	)	<b>NOTICE OF EXPULSION HEARING</b>
	)	
<b>Dawit Lulseged</b>	)	
	)	
a 5 <sup>th</sup> grade pupil enrolled at American Indian Public	)	<u>SENT VIA: REGULAR AND</u>
Charter School II], administered by American Indian	)	<u>CERTIFIED MAIL, RETURN-</u>
Model Schools ("AIMS")	)	<u>RECEIPT REQUESTED</u>
	)	
	)	

To: Pupil: **Dawit Lulseged**  
 Parent/Guardian: **Lulseged Girma and Meskerem Ayalkibet**  
 Address: **3700 Lincoln Ave, Oakland, CA 94602**

PLEASE TAKE NOTICE that the Governing Board ("Board") of the Charter School intends to convene a hearing closed to the public on [Thursday May 9th, 2017] at [6:00PM] in **The AIMS Board of Trustees Conference Room** located at **171 12<sup>th</sup> Street, Oakland, CA 94607** for the purpose of considering the expulsion of the above-named pupil, [Dawit Lulseged], (hereinafter "Pupil"). The recommendation for expulsion is based upon the pupil's violation of the suspension/expulsion rules as set forth in the Charter School's suspension/expulsion rules contained with the Charter and Student/Parent Handbook.

The facts supporting the recommendation are as follows:

**The pupil was found in possession of a knife.**

Based upon the foregoing facts, the above constitute violations of the Charter School's suspension/expulsion rules contained with the Charter and Student/Parent Handbook, specifically:

- 1. Dangerous Object:** Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from the principal or the designee of the principal.

If you desire the hearing to be open to the public, you or any of you may, within five (5) days of the scheduled date for the hearing, serve upon the Superintendent or Designee, a request, in writing, that the hearing of the Board be open to the public. The person representing the Pupil may request one continuance and reset the hearing date for not more than thirty (30) calendar days from the date of the original hearing. Immediately after the granting of a continuance, the Executive Director or Designee shall confirm the new hearing date in writing to the pupil and his parent or guardian, or his attorney, or other representative, if any.



American Indian  
Model Schools  
*A School At Work!*

YOU AND EACH OF YOU ARE INVITED TO BE PRESENT at the hearing, whether it be conducted as a closed or a public meeting. You will be given a full opportunity to question any witness who gives oral testimony against the Pupil, and may present witnesses and/or written evidence on behalf of the Pupil. The Pupil may, but need not be, represented by an attorney at the hearing. If an attorney is to represent the Pupil you shall notify the Executive Director or Designee at least seventy-two (72) hours before the hearing.

You have the right to inspect and obtain copies of all documents to be used at the hearing. For your convenience, a copy of these documents is enclosed with this Notice as Exhibit A. The person(s) who made the written declaration(s), or who orally gave information contained in the reports, or who gave the information contained in the other documents may not necessarily be present at the hearing to testify orally. You will not be able to question them unless, within four (4) days after the receipt of this notice, you file with the Executive Director or Designee a written request that the Charter School issue an invitation to these persons to be present at the hearing to testify orally. You must set forth the name, and if possible, the address of each person to be invited. However, under no circumstances can a witness be made to testify.

Where the hearing is conducted in closed or open session, a record of the oral proceedings, but not the deliberations of the Board, shall be preserved. Preservation may be by means of a tape recorder. If a tape recorder is used, those present shall be required to give their names. The minutes of the meeting shall contain a record of all persons present at the hearing.

Whether the hearing is conducted in closed or public session, a final action to expel shall be taken by the Governing Board of the Charter School at a public meeting.

The Charter School will serve the Pupil and his parent or guardian with a notice of the action taken by the Board. Such notice will be sent by certified mail, return-receipt requested, addressed to them at the latest address on file with the Charter School.

If at any time you opt to enroll Pupil in a different school, please be advised that you have an obligation to provide information about Pupil's status at Charter School to any other school district or school in which Pupil seeks enrollment, including that Pupil has been recommended for expulsion.

Attached and incorporated herein as "Exhibit A, Documentary Evidence," you will find copies of all relevant documentary evidence to be introduced at the hearing by the School.

Dated: May 1, 2019

Signed: \_\_\_\_\_

DocuSigned by:

*Maya Woods-Cadiz*

\_\_\_\_\_  
E81E79B849C4E6  
Maya Woods-Cadiz, Superintendent



American Indian  
Model Schools  
*A School At Work!*

**Attachments:**

- 1) Documentary Evidence
  - a) Written Statement(s)
  - b) Principal's Recommendation for Expulsion
  - c) Suspension and Extension of Suspension forms
- 2) Disciplinary Record
- 3) Attendance Record
- 4) Academic Record
- 5) Charter School Disciplinary Policy as set forth in the Charter
- 6) Charter School Student/Parent Policy as set forth in the Student/Parent Handbook
- 7) **INSERT ANY OTHER DOCUMENTARY EVIDENCE OBTAINED DURING THE INVESTIGATION/DISCIPLINE PROCESS THAT THE SCHOOL INTENDS TO USE, INCLUDING PHOTOGRAPHS OF CONFISCATED ITEMS**





American Indian Model Schools  
Oakland, CA

## **Suspension & Expulsion Policy**

### **SUSPENSION & EXPULSION POLICY**

All schools within the American Indian Model (AIM) school family (AIPCS, AIPCS II, and AIPHS) adhere to the following procedures with regard to student suspension and expulsion. Though the schools' administration is permitted a certain level of discretion in determining the appropriate disciplinary actions on a case-by-case basis, all schools operate within certain parameters. Those parameters are outlined in this policy and are aligned with Section 48900 and 48915 of the California Education Code.

A pupil may be suspended or expelled for acts that are enumerated herein and related to a school activity or school 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 the lunch period whether on or off the campus.
4. During, or while going to or coming from, a school-sponsored activity.

### **Suspension/Discretionary Expulsion Conduct**

- I. The Head of School may suspend from school or recommend for expulsion a pupil if he or she determines that the pupil has committed one of the following acts:
  - (A) **Physical Injury or Violence:** Caused, attempted to cause, or threatened to cause physical injury to another person; or willfully used force or violence upon another person, except in self-defense. A pupil who aids or abets in infliction of physical injury to another may be suspended but not expelled.
  - (B) **Dangerous Object:** Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from the principal or the designee of the principal.
  - (C) **Drugs or Alcohol:** Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of a controlled substance, an alcoholic beverage, or an intoxicant of any kind.

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.

(R) **Bullying/Electronic:** Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined herein, directed specifically toward a pupil or school personnel.

- 1) “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 directed toward one or more pupils or school personnel that has or can be reasonably predicted to have the effect of one or more of the following:
  - a. Placing a reasonable pupil or school personnel in fear of harm to that pupil’s or school personnel’s person or property.
  - b. Causing a reasonable pupil or school personnel to experience a substantially detrimental effect on his or her physical or mental health.
  - c. Causing a reasonable pupil to experience substantial interference with his or her academic performance, or school personnel with his or her job performance.
  - d. Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.
- 2) “Electronic act” means the creation and transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
  - a. A message, text, sound, or image.
  - b. A post on a social network Internet Web site, including, but not limited to:
    - i. Posting to or creating a burn page. “Burn page” means an Internet Web site created for the purpose of bullying.
    - ii. Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (1). “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.

- iii. Creating a false profile for the purpose of having one or more of the effects listed in paragraph (1). “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
    - 3) “Reasonable pupil” means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.
  - S. Sexual Harassment. The pupil has committed sexual harassment. The harassing conduct 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.
  - T. Hate Violence. The pupil has caused, attempted to cause, threatened to cause, or participated in a “hate crime.” “Hate crime” means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim: disability, gender, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics.
  - U. Harassment, Threats, or Intimidation. The pupil has intentionally engaged in harassment, threats, or intimidation, directed against a pupil or group of pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of that pupil or group of pupils by creating an intimidating or hostile educational environment.
  - V. Terroristic Threats: The pupil has made terroristic threats against school officials or school property, or both. 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.
- II. Parent/Guardian will be notified in all cases of violations.
  - III. Administration will determine punishment based upon the following criteria:
    - A. Seriousness of offense
    - B. Circumstances of situation

- C. Student's prior discipline records
- D. Any other extenuating circumstances

### **Suspension Procedures**

1. The Heads of Schools are afforded a great deal of discretion by the AIM Schools Governance Board in determining appropriate punishments, unless a mandatory expulsion offense is identified. Even if suspension is deemed appropriate, the Director or Site Administrator may opt for supervised in-school suspension.
2. If the Head of Schools or designee determines that suspension is appropriate, a school employee shall make a reasonable effort to contact the pupil's parent or guardian in person or by telephone. Whenever a pupil is suspended from school, the parent or guardian shall be notified in writing of the suspension.
3. The Head of Schools or designee shall report the suspension of the pupil, including the cause therefore, to the Superintendent and AIMS governing board.
4. A parent conference will be scheduled to discuss the matter with the Head of Schools or designee. Whenever practical, the teacher or staff member who witnessed the offense will also be present. At this conference, the administration and the parent or guardian will discuss the causes, duration, school policy involved, and any other matters pertinent to the suspension.

Any pupil who is suspended for five days or fewer must complete all assignments and tests missed during the suspension within three school days of their return. Any pupil who is suspended for more than five days will have five school days after their return to complete all assignments and tests missed during suspension. Administration has the authority to lengthen the amount of time a pupil has to make-up his or her work, as appropriate in a given situation. Assignments submitted late will receive no credit.

### **Recommended Expulsion**

The Head of Schools will recommend the expulsion of any pupil who commits any of the following acts at school or at a school activity off school grounds, unless he or she determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct:

1. Causing serious physical injury to another person, except in self-defense.
2. Possession of any knife or other dangerous object of no reasonable use to the pupil.
3. Unlawful possession of any controlled substance, except for either of the following:
  - a. The first offense for the possession of not more than one ounce of marijuana.

- b. The possession of over-the-counter medication for use by the pupil for medical purposes or medication prescribed for the pupil by a physician.
- 4. Robbery or extortion.
- 5. Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.

**Mandatory Expulsion**

The Heads of School must immediately suspend and 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:

- 1. Possessing, selling, or otherwise furnishing a firearm. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of the school. The act of possessing an imitation firearm is not an offense for which suspension or expulsion is mandatory but it is an offense for which suspension, or expulsion may be imposed.
- 2. Brandishing a knife at another person.
- 3. Unlawfully selling a controlled substance.
- 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.

The governing board shall order a pupil expelled upon finding that the pupil committed an act requiring mandatory expulsion.

**Recommended vs. Mandatory Expulsion**

<i>Recommendation for expulsion</i>	<i>Mandatory Expulsion</i>
Causing serious physical injury to another person, except in self-defense .	Possessing, selling, or otherwise furnishing a firearm.
Possession of any knife or other dangerous object of no reasonable use to the pupil.	Brandishing a knife at another person.
Unlawful possession of a controlled substance.	Unlawfully selling a controlled substance.
Robbery or extortion.	Committing or attempting to commit a sexual Assault.
Assault or battery upon any school employee.	Possession of an explosive.



## **Administrative Procedures and Investigation of Pupil Offenses**

1. Students who commit offenses that result in a recommendation for expulsion or mandatory expulsion, or whose conduct falls under “Suspension/Discretionary Expulsion” (excluding disruption or defiance) will be referred to the Head of Schools or designee. If a teacher observes disruptive or defiant conduct, the teacher will make a determination as to whether or not administrative intervention is required. Otherwise, they may follow the school’s discipline policies to ensure proper student conduct.
2. To determine whether or not an offense meets the guidelines for suspension or expulsion, the Director or Site Administrator will meet with the pupil and school employee who referred the pupil for discipline. At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to respond. If an “emergency situation” exists, the pupil may be excluded from this meeting. “Emergency situation” means a situation determined by the Director or designee to constitute a clear and present danger to the life, safety, or health of pupils or school personnel. If a pupil is suspended without a conference before suspension, both the parent and the pupil shall be notified of the pupil’s right to a conference.
3. Unless an offense results in a recommendation for expulsion or mandatory expulsion, as a matter of policy, American Indian Public Charter schools consider suspension and discretionary expulsion a punishment of last resort. Suspension and discretionary expulsion shall be imposed only when other means of correction fail to bring about proper conduct. Therefore, our schools will first consider the appropriateness of other disciplinary avenues before suspending or expelling a student.
4. If a pupil has committed a suspension-eligible offense, then the Head of Schools has the authority to recommend expulsion. Expulsion will be used as a tool of last resort for students whose conduct is so egregious that it is unlikely to be changed by any other means and whose behavior poses a threat to the safety of a member of the school community or significantly limits the ability of other students to effectively learn.
5. In addition to any school action, suspected criminal activity will be reported to the police and appropriate legal consequences may result.
6. For purposes of notification to parents, and for the reporting of expulsion or suspension offenses to the CDE, American Indian Public Schools will identify, by offense committed, in all appropriate records of a pupil each suspension or expulsion of that pupil.
7. American Indian Schools will notify the District of Residence within 30 days of all transfers, disciplinary or not. For all students who are expelled, the school will contact the District of Residence to notify them of the terms of the expulsion.

## **Expulsion Hearings and Process**

1. The Head of Schools decides whether or not to recommend expulsion to the Board.
2. Within 30 school days of a recommendation for expulsion, the Board will hold a hearing to determine if it is appropriate to expel the pupil. The pupil may request, in writing, a postponement of no more than 30 calendar days. Any additional postponement may only be granted at the discretion of the Board.
3. Within 10 school days after the conclusion of the hearing, the Board shall decide whether to expel the pupil.
4. If compliance by the Board with the time requirements for the conducting of an expulsion hearing under this subdivision is impracticable, the Superintendent may, for good cause, extend the time period for the holding of the expulsion hearing for an additional 5 school days.
5. Written notice of the hearing shall be forwarded to the pupil at least 10 calendar days prior to the date of the hearing and shall include:
  - a. The date and place of the hearing.
  - b. A statement of the specific facts and charges upon which the proposed expulsion is based.
  - c. A copy of the disciplinary rules of the school district that relate to the alleged violation.
  - d. A notice of the parent, guardian, or pupil's obligation upon enrollment in another school district to inform the receiving school district of his or her status with the previous school.
  - e. Notice of the opportunity for the pupil or the pupil's parent or guardian to appear in person or to be represented by legal counsel or by a non-attorney adviser, to inspect and obtain copies of all documents to be used at the hearing, to confront and question all witnesses who testify at the hearing, to question all other evidence presented, and to present oral and documentary evidence on the pupil's behalf, including witnesses.
6. The Board shall conduct a hearing to consider the expulsion of a pupil in a session closed to the public, unless the pupil requests, in writing, at least five days before the date of the hearing, that the hearing be conducted at a public meeting. Regardless of whether the expulsion hearing is conducted in a closed or public session, the Board may meet in closed session for the purpose of deliberating and determining whether the pupil should be expelled.

7. A record of the hearing shall be made. The record may be maintained by any means, including electronic recording, so long as a reasonably accurate and complete written transcription of the proceedings can be made.
8. Technical rules of evidence shall not apply to the hearing, but relevant evidence may be admitted and given probative effect if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. A decision of the Board to expel must be supported by substantial evidence showing that the pupil committed the act(s) of which he or she is accused.
9. The final action to expel a pupil shall be taken only by the Board in a public session. Written notice of any decision to expel or to suspend the enforcement of an expulsion order during a period of probation must be sent by the superintendent or his or her designee to the pupil or the pupil's parent or guardian.
10. The Board shall maintain a record of each expulsion, including the cause therefore. Records of expulsions shall be a non-privileged, disclosable public record. The expulsion order and the causes therefore shall be recorded in the pupil's mandatory interim record and shall be forwarded to any school in which the pupil subsequently enrolls upon receipt of a request from the admitting school for the pupil's school records.

### **Suspending an Expulsion Order**

- The Board, upon voting to expel a pupil, may suspend the enforcement of the expulsion order for a period of not more than one calendar year and may, as a condition of the suspension of enforcement, assign the pupil to a school, class, or program that is deemed appropriate for the rehabilitation of the pupil. The rehabilitation program to which the pupil is assigned may provide for the involvement of the pupil's parent or guardian in his or her child's education in ways that are specified in the rehabilitation program. A parent or guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the pupil has satisfactorily completed the rehabilitation program.
- During the period of the suspension of the expulsion order, the pupil is deemed to be on probationary status. The Board may revoke the suspension of an expulsion order under this section if the pupil commits any of the acts designated as Suspension/Discretionary Expulsion Conduct or violates any of the school's rules and regulations governing pupil conduct. When the Board revokes the suspension of an expulsion order, a pupil may be expelled under the terms of the original expulsion order.
- Upon satisfactory completion of the rehabilitation assignment of a pupil, the Board shall reinstate the pupil and may also order the expungement of any or all records of the expulsion proceedings.

## **Readmission to the Charter**

- An expulsion order shall remain in effect until the Board orders the readmission of a pupil. At the time an expulsion of a pupil is ordered for an act other than Mandatory Expulsion Conduct, the Board shall set a date, not later than the last day of the semester following the semester in which the expulsion occurred, when the pupil shall be reviewed for readmission. For a pupil who has been expelled for an act of Mandatory Expulsion Conduct, the Board shall set a date of one year from the date the expulsion occurred, when the pupil shall be reviewed for readmission, except that the Board may set an earlier date for readmission on a case-by-case basis.
- The Board shall recommend a plan of rehabilitation for the pupil at the time of the expulsion order, which may include, but not be limited to, periodic review as well as assessment at the time of review for readmission. The plan may also include recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs.
- Any pupil who has been expelled and who seeks readmission, must submit a request to the Superintendent in writing no more than 21 (but no less than 7) calendar days before the end of the term of the expulsion. In addition, the pupil must provide documentation that all conditions for rehabilitation set by the Board have been met.
- Upon completion of the readmission process, the Board shall readmit the pupil, unless the Board makes a finding that the pupil has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other pupils or employees of the school. A description of the procedure shall be made available to the pupil and the pupil's parent or guardian at the time the expulsion order is entered.
- If the Board denies the pupil's request for readmission, the Board shall provide written notice to the expelled pupil and the pupil's parent or guardian describing the reasons for denying the pupil readmittance into the school.



# California LEGISLATIVE INFORMATION

[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)
Code: Section: 


[Up^](#)
[<< Previous](#)
[Next >>](#)
[cross-reference chaptered bills](#)
[PDF](#)
[Add To My Favorites](#)



## EDUCATION CODE - EDC

**TITLE 2. ELEMENTARY AND SECONDARY EDUCATION [33000 - 64100]** (*Title 2 enacted by Stats. 1976, Ch. 1010.*)

**DIVISION 4. INSTRUCTION AND SERVICES [46000 - 65001]** (*Division 4 enacted by Stats. 1976, Ch. 1010.*)

**PART 27. PUPILS [48000 - 49703]** (*Part 27 enacted by Stats. 1976, Ch. 1010.*)

**CHAPTER 6. Pupil Rights and Responsibilities [48900 - 49051]** (*Chapter 6 enacted by Stats. 1976, Ch. 1010.*)

**ARTICLE 1. Suspension or Expulsion [48900 - 48927]** (*Article 1 repealed and added by Stats. 1983, Ch. 498, Sec. 91.*)

**48900.** A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent of the school district or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person.
- (2) Willfully used force or violence upon the person of another, except in self-defense.
- (b) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, 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, a 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 a 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 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 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 products containing tobacco or 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 the 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 drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- (k) (1) 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.
- (2) Except as provided in Section 48910, a pupil enrolled in kindergarten or any of grades 1 to 3, inclusive, shall not be suspended for any of the acts enumerated in this subdivision, and this subdivision shall not constitute grounds for a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, to be recommended for expulsion.
- (l) Knowingly received stolen school property or private property.
- (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 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 a witness in a school disciplinary proceeding for purposes 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. For purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, that 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.

(r) Engaged in an act of bullying. For purposes of this subdivision, the following terms have the following meanings:

(1) "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 or pupils in fear of harm to that pupil's or those pupils' person or property.

(B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.

(C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.

(D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

(2) (A) "Electronic act" means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

(i) A message, text, sound, video, or image.

(ii) A post on a social network Internet Web site, including, but not limited to:

(I) Posting to or creating a burn page. "Burn page" means an Internet Web site created for the purpose of having one or more of the effects listed in paragraph (1).

(II) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (1). "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.

(III) Creating a false profile for the purpose of having one or more of the effects listed in paragraph (1). "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.

(iii) (I) An act of cyber sexual bullying.

(II) For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (A) to (D), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.

(III) For purposes of this clause, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

(B) Notwithstanding paragraph (1) and subparagraph (A), an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

(3) "Reasonable pupil" means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

(s) A pupil shall not be suspended or expelled for any of the acts enumerated in this section unless the act is related to a school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district 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 a school activity or school 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 the lunch period whether on or off the campus.
- (4) During, or while going to or coming from, a school-sponsored activity.

(t) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to 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 and 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).

(u) As used in this section, "school property" includes, but is not limited to, electronic files and databases.

(v) For a pupil subject to discipline under this section, a superintendent of the school district or principal may use his or her discretion to provide alternatives to suspension or expulsion that are age appropriate and designed to address and correct the pupil's specific misbehavior as specified in Section 48900.5.

(w) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities.

*(Amended by Stats. 2018, Ch. 32, Sec. 49. (AB 1808) Effective June 27, 2018.)*