

Oakland Unified School District

Board of Education
Paul Robeson Building
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Minutes (Long)

Tuesday, October 19, 2010

6:00 PM

**Board Room, Paul Robeson Building, 1025 2nd Avenue, Oakland, CA
94606-2212**

Safety Committee

**Alice Spearman, Chairperson
Jumoke Hodge, Vice Chairperson
Noel Gallo, Member**

A. Call to Order

Chairperson Alice Spearman called the meeting to order at 6:00 P.M.

B. Roll Call

Roll Call: Present: Noel Gallo and Alice Spearman
Absent: Jumoke Hodge

C. Chairperson's Statement Disclosing Item(s) to be Discussed in Closed Session Today

Chairperson Spearman stated the meeting would recess to Closed Session to discuss student matters.

D. Closed Session Item(s):

08-0391 Readmission Hearing - Student D

10-2563 Admission Hearing - Student EE

E. Recess to Closed Session

Chairperson Spearman recess the meeting to Closed Session at 6:02 P.M.

F. Reconvene to Public Session

Chairperson Spearman reconvened the meeting to Public Session at 6:26 P.M.

G. Second Roll Call

Roll Call: Present: Noel Gallo and Alice Spearman
Absent: Jumoke Hodge

H. Chairperson's Statement of Reportable Action Taken in Closed Session and the Vote or Abstention of Members Present, if any.

Chairperson Spearman stated there were no reportable action taken in Closed Session.

I. Modification(s) To Agenda

None.

J. Adoption of Committee Minutes

10-2605 Minutes - Safety Committee - October 5, 2010

Approval by Safety Committee of Its Minutes of October 5, 2010.

Attachments: [10-2605 - Minutes - Safety Committee - October 5, 2010](#)

A motion was made by Noel Gallo, seconded by Alice Spearman, that this matter be Adopted. The motion carried by the following vote:

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 2 - Noel Gallo and Alice Spearman
Nay: 0
Recused: 0
Absent: 1 - Jumoke Hinton Hodge
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

K. Adoption of the Committee General Consent Report

None.

L. Unfinished Business

[10-2091](#) Report - Office of Family & Community Services - Student Services Plan - School Year 2010-2011

Presentation by the Director of Family and Community Services of its Student Services Plan - School Year 2010-2011.

Tabled to a Date Certain

**10-2306****Operations Manual - OUSD Police Department - General Counsel**

Adoption by the Board of Education of Resolution No. 1011-0039 - Approval ... of the Oakland Unified School District Police Department Policy Manual, containing the day-to-day working instructions for the Police Department, including key general operations policies, among others, but not limited to, the use of force, shooting, officer involved shooting, vehicle pursuit, search and seizure, disciplinary, major incident notification, immigration violation, handcuff and others enumerated herein, Chapter 3:

300 - Use of Force

302 - Deadly Force Review

304 - Shooting Policy

306 - Leg Restraint Device

308 - Control Devices and Techniques

314 - Vehicle Pursuit Policy

324 - Temporary Custody of Juveniles

354 - Handcuff policy

358 - Major Incident Notification

372 - Mandatory School Employee Reporting

Attachments: [Document\(s\)](#)
[10-2306 -Operations Manual - OUSD Police Department - General Counsel.pdf](#)

Chief Sara reviewed the topics in chapter 3 of the OUSD Police Department Operations Manual requested by Chairperson Spearman at the last committee meeting.

Policy 300 - Use of Force [300.2.2], factors used to determine the reasonableness of force. Chairperson Spearman said Policy 300.2 talks about the reasonableness of the circumstances perceived by the Officer and the use of force. She asked Chief Sara to talk about the District being a School District Police Force and not a regular Police Force dealing with juveniles on school sites, how the policy is applied to juveniles and if there was a difference.

Pete Sarna, Chief of OUSD Police Services, said he did not believe there was a difference. He said at the end of the day the term that guides Officers in their actions is "Reasonableness". Is what the Officer did under the circumstances reasonable? One of the factors to help determine reasonableness is the fact the student is a juvenile. For a person of smaller stature with less strength you would need to use less force in many circumstances to affect the arrest. It is the totality of the circumstance and the reasonable test boils down to were the Officer's actions reasonable? The reasonableness test would be if a like Officer who is reasonable in their actions act the same way at the same scene under the same circumstances? The majority of the Officers situations do not involve juveniles. The District's Police Service is tasked with dealing with a tremendous amount of violence in areas surrounding our schools and that violence affects the students to and from school. The majority of Police Services encounters are with adults.

Chairperson Spearman wanted to know if the Officers would use a different approach with a juvenile and a different approach with someone under 14 years of age versus someone over 14 years of age.

Chief Sara said age would be one factor. Is this a 6 foot 2 inch-260 pound 14 year old or

is a 5 foot 1 inch-103 14 year old? You can't just look at age alone, there are a number of circumstances that could come into play in any situation. Is the person high on drugs? Is the person mentally challenged or does the person have a weapon? He said you have to be careful in saying if we would do this to a 14 year old or not because there is a large number of circumstances. There is no way to predict all the circumstances that Officers may encounter in the field. It is important to go back to the reasonableness test, were the Officers' actions reasonable under the circumstances?

Chairperson Spearman said when we talk about seriousness of the suspected offense, does that come into play?

Chief Sarna said "Absolutely". Officers may use reasonable force to affect an arrest. They are also able to exercise a fair amount of discretion whether or not to arrest someone. He cited two conflicting circumstances. Scenario number one: The student just stole a box of pencils from a classroom and takes off running, is this someone they may tackle and use a fair amount of force to affect the arrest or are they more likely to say "ok, let him go; identify him through the school and maybe get a warrant for his arrest," or not deal with it criminally and deal with it administratively. Scenario number two: A student who just committed an armed robbery during the lunch period shooting the store clerk. You have to look at the seriousness of the offense which dictates the level of force authorized to be used.

Chairperson Spearman wanted to know if most of the District Officers were previous Police Officers.

Chief Sarna said all Officers are Police Officers under the Penal Code. He said from previous jurisdictions approximately 70-80% has served in other agencies prior to coming to the District.

300.2.4 - Pain Compliance Techniques

Chairperson Spearman wanted to know other than the one described in 300.2.5, what was a Pain Compliance Technique?

Chief Sarna said this is an application of force that does not result in the injury of a person. There are certain glands behind the ear, certain ways you can manipulate someone's arm without injuring them that causes an uncomfortable pain. If done properly will not result in injury. This technique can be used in situations where you have a person who is refusing to leave the front of a school, they are holding onto the fence post disrupting the classroom and you need to arrest that person but you don't want to use force such as a baton strike, which under those circumstances would be totally inappropriate. You would utilize a Pain Compliance Technique to get that person to submit, stand up and place their hands behind their back so you can arrest them without injury.

300.2.5 - Carotid Restraint

Chairperson Spearman wanted to know why we would use a Carotid Restraint on a school campus unless it was an adult.

Chief Sarna said there are a wide change of potential circumstances that will dictate that it is a reasonable application of force or it may not rise to that level. Under the circumstances and constrains of this policy it would be reasonable to do so. It is not a good idea or practice to limit the range or number of tools or techniques available to

Officers in the field because there are often time circumstances where that application of force would be entirely reasonable. Chief Sarna noted that he has been in the District one year and four months and in that time the District had a total of three "Use of Force" incidents which speaks to the fact that District Officers are well trained, use restraint and considerable verbal techniques in defusing situations. He said he has never used a Carotid Restraint in his 17 years of policing.

Chairperson Spearman wanted to know if the Carotid Restraint is needed as a tool in the District.

Chief Sarna said he thinks it is an important tool. You may be involved in a situation in a knock down fight where someone is trying to take your gun. That technique which is very effective if used properly, would render the person unconscious and able to be taken into custody. He said whereas if that tool is not available and our Officers aren't trained in that technique, the next escalation of force might be to shoot the person.

Director Gallo said the District has to allow the Police Officers to use whatever tools are available when it comes to the safety of our students. He noted we have a limited number of Officers to get the job done. He said this technique would only be used in extreme cases or actions by individual(s) who may cause harm to others.

Chief Sarna said often this technique is improperly referred to as a "Choke Hold". You are not actually choking the person, they are able to breathe. Chief Sarna explained the technique saying you are using your biceps and your forearm to put pressure on the Carotid Arteries on either side of the neck which temporarily stops oxygen to the brain rendering the person unconscious. He said these are policies and guidelines as to how Officers are to conduct themselves in the field. He said he feels confident that the tone and direction he has set for the department, Officers realize if they use force in an improper way, there are going to be consequences up to termination.

302 - Deadly Force Review

Chairperson Spearman said when she read that Chief Sarna has to comprise a Review Board, she thinks an addition needs to the Review Board needs to be made by adding one Member of the Board of Education.

General Counsel Minor said there are aspects of these policies that are difficult for us because the District has a small Police Services Department and a limited number of officials who can serve in some of these oversight capacities. She said anyone who sitting in a final approval position can't participate in the review. She said it is likely that the Board with its final oversight and responsibility for employee discipline would in fact have to make a decision about discipline involving an employee with allegations associated with the use of force. General Counsel Minor said a representative appointed by the Board of Education could be appointed with the understanding that would not be a current member of the Board.

Chairperson Spearman said the School Board is the ultimate authority. She said if there is going to be a representative appointed by the Superintendent or the Chief, there should be a School Board Member sitting on this Review Board. She said she does not expect this composition of the Review Board to ever happen, but if it does, she believes there needs to

be a representative of the Board of Education on the Review Board. If it becomes a disciplinary action, that member of the Board of Education can recuse themselves from the final decision. She said there must be a representative from the Board of Education, this is too important. Chairperson Spearman said when the Police Department Manual is adopted by the Board, she will recommend a representative from the Board be added to the Review Board and it will be up to the President of the Board who that representative will be.

304 - Shooting Policy

Chairperson Spearman said she believes all the Officers are well trained.

Chief Sarna said "Yes" and the Officers qualify every four months. All District Police Officers carry a weapon.

306 - Leg Restraint Device

Chairperson Spearman wanted to know what was a Leg Restraint.

Chief Sarna said a Leg Restraint is a device utilized to protect a person from themselves or from damaging a vehicle. Often time you will get combative subjects in the back of the police car where handcuffs are not sufficient to restrain the person. They will try to kick out the windows, sometimes these individuals are suicidal or just want to injure themselves and will bang their heads repeatedly against the cage or the windows and the device is designed to prevent a person from performing those actions.

308 - Control Devices and Techniques

Chairperson Spearman wanted to know if District Officers use Batons.

Chief Sarna said "Yes."

Chairperson Spearman wanted to know if that was equipment District Officers usually carry with them.

Chief Sarna said "Yes."

Chairperson Spearman wanted to know what kind of chemical agents are used by District Officers.

Chief Sarna said OC Spray, an extract from actual pepper [pepper spray] mixed in an oil base and sprayed into the face region causing significant discomfort, difficulty in seeing and profuse mucous from your mouth and nose. He cited this as a very effective tool and said it was one of the tools utilized to take a subject into custody outside of a Oakland Tech basketball game last year and the person had a hand gun on them. It does not cause any lasting injury.

Chairperson Spearman wanted to know if there were any other Control Devices used by District Officers.

Chief Sarna said they use an expandable baton which is small baton which opens up to a larger baton.

314 - Vehicle Pursuit Policy

Chairperson Spearman wanted to know under what circumstances District Officers would initiate a vehicle pursuit.

Chief Sarna gave committee members an example when District Officers would initiate a vehicle pursuit: An Officer driving is down the street, there is a group of students gathered in front of the school and a rival gang drives by and shoots two of the students. He said that vehicle would be pursued.

Chairperson Spearman wanted to know if a District Officer checks the license plate and determine the car is stolen, would that car be pursued by District Officers?

Chief Sarna said absent any other circumstance and criminal offenses associated with that vehicle, he said the Officers would not pursue that vehicle. Chief Sarna read a passage answering the question Chairperson Spearman asked about earlier. Chief Sarna read: "Department members are prohibited from maintaining an initiated pursuit when they determine a criminal violation associated with the vehicle is considered a non-violent felony or misdemeanor offense. He said a stolen auto meets the criteria of being a misdemeanor offense.

324 - Temporary Custody of Juveniles

Chairperson Spearman asked for an explanation between the difference under 14 years of age and over 14 years of age.

Chief Sarna said when District Officers arrest juveniles they confer with the Oakland Police Department because they are the ones who will investigate the case. He said the law differentiates by age whether or not someone [under the eyes of the law] is legally capable of committing a crime.

General Counsel Minor said this section deals more with the District's ability to hold a juvenile who is under 14 years of age in what is called a secure versus a non-secure facility. The primary point is that you have to determine if the juvenile is under 14 years of age and the juvenile reasonably understands right from wrong. The important distinction is if the juvenile is under 14 years of age, even a serious offense, initially the detention has to be in a facility that is non-secure.

354 - Handcuff Policy

Chairperson Spearman wanted to know under what circumstances District Officers or School Security Officers should handcuff a student.

Chief Sarna gave the example of two 12 year olds involved in a fight would not likely be handcuffed. He said two 16 years involved in fight, they fought hard and still highly agitated still posing a threat to one another, they would likely be handcuffed. He said again you have to determine if what the Officer or the SSO did was reasonable under the

circumstances.

Chairperson Spearman wanted to know if SSO' were aware of the Handcuff Policy.

Chief Sarna said Police Services provided SSOs with training in Handcuffing and Weaponless Defense Techniques. He said he is currently working on a manual similar to the manual for Officers just for SSOs.

Chairperson Spearman said 354.2.1 reads - "Handcuffing is never done to punish, to display authority or as a show of force". She said that is what the SSO's do constantly. Chairperson Spearman wanted to know what will be done to abate this action? The Policy further reads - "Handcuffs are only to restrain, ensure the Officer's safety and Handcuffs shall be double locked to prevent tightening which may cause undue discomfort or injury".

Chief Sarna said he is not aware that improper use of Handcuffs is widespread in the District. He said it has never been brought to his attention. He said if Handcuffs are being utilized improperly, it should be brought to his attention.

Chairperson Spearman noted Principals don't have any training to know when Handcuffs should be used and not used. She said Principals will tell someone because a student is running their mouth to "Cuff them". She said SSO's need training and the Policy and should be on the walls in the Principal's office so they are aware of the Policy.

358 - Major Incident Notification

Chairperson Spearman wanted to know if Principals are aware of what a Major Incident is and are Major Incidents just what's in the minimum criteria for notification for the Police. She also wanted to know if Major Incidents should be some of the incidents that are reported from a school site.

Chief Sarna said this policy speaks to Police Officers duty to notify the Chief and the Watch Commander so the Chief can make proper notifications to Legal, the Superintendent and the Board of Education in certain circumstances. It is not meant to govern the Principal's duty to notify the Police of criminal offenses or Major Incidents.

Chairperson Spearman wanted to know if it should be added to the Policy Manual?

Chief Sarna said it was something to be added to Board Policy. That would be outside the scope of this document to require teachers to notify the Police of certain incidents.

372 - Mandatory School Employee Reporting - [372.2 - Mandatory School Employee Arrest Reporting]

Chairperson Spearman asked if the reports are sent directly to the Chief or where?

Chief Sarna said the reports go to the Superintendent. He said this document is designed more for municipal agencies. The decision was made to keep it because we want the Superintendent to be notified if an employee is arrested. This speaks to the duty of other law enforcement agencies as required by the Penal Code and the Education Code to notify school districts when employees under these conditions and these job descriptions are arrested for certain offenses.

Chairperson Spearman noted the only Mandatory School Arrest Reporting is when someone is arrested for a controlled substance.

Chief Sarna said there is also Penal Code Section 290, but this is what's required by law. He said probably the Superintendent will be notified anytime a teacher is arrested regardless of the offense.

Chairperson Spearman noted the Policy didn't just refer to teachers, the Policy says School Employee Arrests and it talks about controlled substances. She wanted to know if it is reported when employees are arrested for a Driving Under the Influence (DUI).

General Counsel Minor said they are and the reports are sent to the Human Resources Department.

Chief Sarna noted that when employees are hired by the District, the fact that you are a school district employee is sent to the California Department of Justice so if you are arrested, the arrest is flagged in their computer system and the District is notified of any arrest. There may be aggravating circumstances along with the DUI the District will look at in regards to employment in the District.

Director Gallo wanted to know regarding the arrest, if the employee is not allowed on the school grounds until the matter is cleared up.

General Counsel Minor said "No", there has to be a direct nexus between your job responsibilities and the arrest before the District takes action that would either limit the employee or put the employee on Administrative Leave pending the clearance.

Director Gallo said for other private business an employee's conduct on and off the job qualifies you for employment. He wanted to know if an employee of the District gets arrested assaulting a spouse, if the employee is suspended from work.

General Counsel Minor said in most cases that would not disqualify the person from performing any job in the District.

Director Gallo wanted to know if the employee was arrested?

General Counsel Minor said if the employee was arrested and in jail, the issue is not why the employee was arrested, but the fact you are not at work.

Director Gallo wanted to know if an employee can be arrested, go to jail, come to work on Monday and still be allowed to go to work.

General Counsel Minor said "That's correct".

Director Gallo wanted to know if it had anything to do with the employee's character considering they are working with children.

General Counsel Minor said if the situation involving an SSO or Police Officer, the District would look at that very carefully.

Director Gallo wanted to know who determines whether it is ok for the employee to return to work.

Chief Sarna said the offenses covered in the Police Policy Manual require immediate notification by the law enforcement agency to the District. The subsequent arrest reports generated by the Department of Justice sometimes can take a month or so to hit the system.

General Counsel Minor said the reports are received by the District pretty quickly to Human Resources. Any that are flagged as questionable are immediately brought to Legal and Legal reviews them.

Director Gallo wanted to know if a person is arrested for drugs, is the employee is still allowed to work.

General Counsel Minor said "Generally yes".

Director Gallo wanted to know how he gets to say if you are an employee arrested for drugs, you will not work in Oakland Public Schools.

Chairperson Spearman said that needs to be done in legislative matters.

Director Gallo wanted to know how to get to if you are an employee with the District, you must have certain behavior, character and actions.

Chairperson Spearman said this could be discussed in the Safety Committee.

Secretary Rakestraw said to listen to Legal Counsel's advice about what may be proper and may not be proper. Just because someone is arrested, they could be Not Guilty and not committed an offense and you have to let the process run its course. He said the proper thing to do is to consult and confer with General Counsel about what you may or may not do as a public employer with regards to your employees.

Chairperson Spearman wanted to know if the committee could talk about this.

General Counsel Minor said the committee certainly could have a conversation about it. She said two things to think about. (1) On the drug issue, arrests for drugs you have to have a nexus, the case law is very clear. There is a Ballot Proposition on the State Ballot now and you have to be very clear what drugs you are talking about because the State is on the verge of legalizing some of them. (2) The rate of arrest for Black and Brown People is so high that clear case law if you are looking at arrests only, it has a discriminatory impact and that is something the District is very careful about as a public employer.

Chairperson Spearman said she thinks there should be a conversation. She said it is not just the arrest but the conviction.

Director Gallo said there is no excuse for some behavior being demonstrating. He said at a certain point you have to say that is behavior the District will not be tolerate or accept. He said the legalization of Marijuana is still a Federal Law which says you cannot use it.

Chairperson Spearman said the committee had completed reviewing Section 300 of the Police Policy Manual.

Future Discussions

1. Chapter 4 - Patrol Operations, just a few questions.
2. Chapter 8 - Support Services, one question.
3. Chapter 9 - Custody, one question.
4. Chapter 10 - Personnel, two questions.

Topics for November 9th Safety Committee Meeting

- 400 - Patrol Functions
- 402 - Racial/Bias Based Profiling
- 418 - Mental Illness Commitments
- 428 - Immigration Violations
- 463 - Enforcement Policy

Chairperson Spearman said the Police Policy Manual should go to the Full Board in December.

Discussed

10-2384 Report - Police Services Department - Proposed FY 2011-2012 Budget

Report by the Chief of Police Services regarding the proposed FY 2011-2012 Police Services budget including the personnel and the operations costs of the department.

Tabled to a Date Certain

M. New Business



10-2415 Amended Administrative Regulation - AR 5144.1 - Suspension and Expulsion Process

Approval by the Board of Education of the recommended changes in AR 5144.1 - Changing the current pupil discipline and expulsion procedures, including providing for a Stipulated Expulsion.

Attachments: [Document\(s\)](#)
[AR_5144 1_-_Suspension_and_Expulsion_Process_Revision-Submission \(2\).doc](#)

Adrian Kirk, Director of the Family & Community Office (FCO), reviewed the Pupil Discipline Recommended changes to Administrative Regulation - AR 5144.1 - proposed changes the process for students and their families for hearings through Stipulated Expulsion and Alternatives to Expulsion.

Stipulated Expulsion

Mr. Kirk described a Stipulated Expulsion as when a family pleads "no-contest" to an Expulsion. Rather than hold the student out of school for an extended period of time, FCO can move forward bringing the case directly to the Board for a decision. He said by law

the Education Code says a student can be out of school 40-45 days pending a decision from the Board. FCO is hoping to reduce the amount time down, at least in half.

Chairperson Spearman wanted to know why the District would want to stipulate an Expulsion, why wouldn't anybody have a right to a hearing?

Mr. Kirk said the right to the hearing is never questioned. If the family chooses to waive the hearing because they don't contest the facts of the case, FCO brings the case directly to the Board and let the Board rule on the case.

General Counsel Minor said a number of districts have moved in this direction as a way to accelerate and expedite the administrative part of the disciplinary process. What the Stipulated Expulsion does is to eliminate the administrative hearing. All the cases still come to the Board for final action because that part of the Education Code cannot be waived. A number of neighboring jurisdictions have moved forward with Stipulated Expulsions. She said we have not seen any data as of yet to its success. Charter schools seem to be using Stipulated Expulsions.

Mr. Kirk cited school districts such as Alameda, Hayward and other districts around the area who are using the Stipulated Expulsion process. He said one of the reasons those districts are choosing to use the Stipulated Expulsions, it moves the students through the process as quickly as possible. Oakland Unified is the only school district in Alameda County that has an Expulsion School, other districts do not so they are trying to move through the process as quickly as possible.

Alternatives to Expulsion

Mr. Kirk said the hearing process potentially keeps a student out of the school program for up to 45 days. Trying to keep students in school and get to some resolution, FCO is looking to create a Disciplinary Intervention for non-mandatory referrals. If a student is required to be referred and required to be expelled by the Board, we would go through the entire process. If it is a discretionary referral on the part of the school, FCO would like to be able to review that case with a designee of the Superintendent and one of the Hearing Officers from the Pupil Disciplinary Office. This Alternative to Expulsion would help to create another kind of intervention in harmony with the Restorative Justice Practices; to setup another way to intervene supporting schools in other ways to get to the root causes of the behavior; and try to bring that student back around without keeping the student out of school for an extended period of time.

Chairperson Spearman asked if the FCO were already doing that?

Mr. Kirk said they do try to do that, but if they are going before a panel and they don't have an Alternative to Suspension officially, it becomes a little more cumbersome and they can't offer the family a faster path back into school. Taking the family through that process often is so disruptive to the education process for the student that taking them back into the regular school is often not a possibility.

Chairperson Spearman read from the document saying the beginning of the first sentence reads "In the event a student's conduct does not meet the Board's criteria for Expulsion", she wanted to know if the student met the Expulsion criteria, why would the FCO not hold a hearing. If the student does not meet the criteria, there should not be a Discipline Hearing

for the student.

Mr. Kirk said the referral is created by the school and the FCO respects the decision of the school. He said if the principal and the site administration feel as though this case needs to be referred and unless there is a due process error, the FCO feels compelled to take the case on.

Chairperson Spearman wanted to know what would make FCO take a case on to Alternative to Expulsion versus the case going to a Full Hearing.

Mr. Kirk said recently there was a referral from a principal for a Marijuana first offense. He said not an expellable offense by Education Code unless there is something egregious. With Alternatives to Expulsion they would be able to divert the student creating another process. FCO could bring in the Alcohol & Tobacco and Other Drugs Staff, set up a counseling session and have some sort of intervention for the student in ten days.

Chairperson Spearman wanted to know how much this cost would.

Mr. Kirk said there was no additional expense. He said already when there is a hearing there is the District's Hearing Officer and site administrators. The hearing would be conducted with the Hearing Officer from the Discipline Office allowing more flexibility and speed in scheduling. FCO would be working with school sites, existing personnel and existing resources. He said often the sites send the students in because they feel as though they have reached the limits of what they can do at the site. This process allows them to move the case up a level to the District level. If the FCO is not able to intervene effectively, subsequent events with the student will be on record with the District potentially moving the case faster towards an expulsion, if necessary.

Chairperson Spearman said FCO will have to come up with a list of offenses before the case goes to an Alternative to Expulsion. If the school is going to send the recommendation, they need to send the recommendation that says "Alternative to Expulsion" rather than "Expulsion" so that the recommendation is generated from the school site and not coming from the Discipline Office. She said unless there are some criteria of what they are going to do, she does not like the change. She said she will not recommend changing the District's Expulsion and Suspension Process until Mr. Kirk comes up with some criteria and the Board will have to vet the criteria.

Mr. Kirk said this is the Administrative Regulation and not the Policy. He said they are not asking to change the Policy.

Chairperson Spearman said this request is a change in Policy. District Policy on Suspensions follows the Education Code and it is very clear. Chairperson Spearman said she is not comfortable having students come before the Board for an Expulsion without having a Discipline Hearing. She said the District has a problem with Suspending and Expelling a large number of African American and Latino Students. She said she will not allow anyone to have any flexibility in Expelling students without due process. She said she is not comfortable with a Stipulated Expulsion. She said she is comfortable with the Alternative to Expulsion, but wants to see criteria. The Alternatives need to come from the school sites and the principals to be trained on what they recommend.

Mr. Kirk gave an example where a student came before the Discipline Hearing Panel who had multiple fights. The student did not cause considerable damage which would be grounds for Expulsion. The school is tired of it, they send the referral forward. This allows the FCO to work more closely with that campus. The process the FCO follows now would take that student before the DHP, keep the student out of the original instructional program for the duration of that time and then return the student.

Chairperson Spearman said if the FCO comes up with some criteria, she can support the change. Chairperson Spearman recommended the term "Stipulated Expulsion" be removed from the document, come back with criteria and the document will be sent to the full Board. She said right now she did not think Stipulated Expulsion was right for the District. She suggested next year if something could be different Mr. Kirk could try again.

Mr. Kirk said on the Stipulated Expulsion would only happen in the event the family is choosing not to contest the facts of the Expulsion.

Tabled

N. Public Comments on All Non-Agenda Items Within the Subject Matter Jurisdiction of the Committee

There were no Public Speaker Cards submitted.

O. Superintendent of Schools or Designee's Committee Liaison Report

None.

P. Introduction of New Legislative Matter



10-2306

Operations Manual - OUSD Police Department - General Counsel

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400 - Patrol Function

402 - Racial/Bias Based Profiling

418 - Mental Illness Commitments

428 - Immigration Violations

463 - Enforcement Policy

Attachments: [Document\(s\)](#)

[10-2306 -Operations Manual - OUSD Police Department - General Counsel.pdf](#)

Q. Adjournment

Chairperson Spearman adjourned the meeting at 7:55 P.M.

Prepared By: _____

Approved By: _____