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Introduction Date	10/23/13
Enactment Number	13-2201
Enactment Date	10-23-13 <i>ll</i>



**OAKLAND UNIFIED  
SCHOOL DISTRICT**

*Community Schools, Thriving Students*

# Memo

**To** Board of Education

**From** Curtiss Sarikey, Associate Superintendent  
Jacqueline Minor, General Counsel

**Board Meeting Date** October 23, 2013

**Subject** Adoption of Board Policy BP 5144.3 – Expungement of Student Discipline Records

**Action Requested** Adoption of a new board policy – BP 5144.3 Expungement of Student Discipline Records and implementing Administrative Regulations AR 5144.3.

**Background** Board Policy 5144.3 creates a process whereby students, their parents/guardians or the Superintendent on behalf of a student can request expungement of student discipline records if certain criteria are met, including, but not limited to, non-violent offenses which do not involve the possession or use of a weapon, the possession or use of marijuana, and does not violate California Education Code Section 49079(a) (which provides that under some circumstances, a school district shall inform the teacher if a pupil was expelled during the previous three school years).

**Discussion** The adoption of BP 5144.3, and implementing AR 5144.3, allow for the expungement (removal) of student discipline records that might hinder a student's future educational and career choices. The policy recognizes that students make mistakes, and with appropriate support and guidance, they can learn from their mistakes.

The attached administrative regulation contains a plan for implementing the policy.

**Recommendation** Approval of a new Oakland Unified School District Board Policy BP 5144.3 Expungement of Student Discipline Records, and AR 5144.3.

**Fiscal Impact** Undetermined

**Attachments**

- Board Policy 5144.3 Expungement of Student Discipline Records
- Administrative Regulation 5144.3 Expungement of Student Discipline Records

# OAKLAND UNIFIED SCHOOL DISTRICT

## Board Policy

BP 5144.3

### **Students**

#### Expungement of Student Discipline Records

The Governing Board is committed to establishing positive learning environments that ensure all students have access to quality educational opportunities in all schools. The District recognizes that a key aspect of maintaining a healthy and safe environment is establishing order and maintaining discipline.

The District's discipline policy is designed to promote a safe environment in which students can thrive and be prepared for college and career. The District recognizes that students make mistakes, and with appropriate support and guidance, they can learn from their mistakes. Therefore, student discipline records which meet the criteria in this board policy may be expunged (removed) in order that the discipline records do not hinder a student's future educational and career choices.

Effective January 15, 2014, a student, parent, guardian, appointed advocate on behalf of the student, or Superintendent on behalf of a student, may apply for expungement of student disciplines record which meet the criteria below.

#### **Criteria for Expungement**

Any current student who meets the criteria below may request expungement of her or his student discipline records:

- a) For offenses that took place in high school, the offense must **not** have involved violence; an intent to do serious physical harm; sexual violence; possession or use of weapon; distribution or possession, with intent to distribute, Class 1 drugs or controlled substances (except marijuana);
- b) For offenses that took place in elementary or middle school, a student may be eligible for expungement related to any offense so long as the Superintendent or designee concurs that expungement of the records is in the best interest of the student and District;
- c) Evidence of substantial progress in the area of personal responsibility and positive behavior. This may include letters of recommendation or character references from person(s) with direct contact or knowledge of the student;
- d) Three years have passed since the offense in question took place and the student has not engaged in additional expulsion offense in the previous three years;

- e) The student is making progress toward high school graduation or a certificate of completion;
- f) The student is being or was admitted or readmitted to the School District in good standing;
- g) The expungement does not violate California Education Code Section 49079(a);


Any former student who meets criteria a, b, c, d and g above may request expungement of her or his student discipline records.

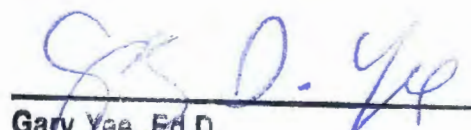
The Superintendent or designee may recommend expungement of student records if the criteria above are met. The Board of Education will review the Superintendent's recommendation in closed session.

The Superintendent shall issue administrative regulations to implement this policy, including a communications strategy that will widely advertise the policy.

10/23/2013A; 1/15/2014E

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David Kaklisha  
President, Board of Education 10/24/13

  
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Gary Yee, Ed.D.  
Secretary, Board of Education 10/24/13



## Attachment A

### Frequently Asked Questions

**Q: What does it mean to have my student discipline records expunged?**

A: This means that the District will remove from the student database records that the District agreed to expunge. If there was a Discipline Panel Hearing or DHP, the office records will be sealed.

**Q: After my student discipline records are expunged, if someone asks me if I was ever expelled or suspended, what do I say?**

A: You can legally answer “No.”

**Q: If the District agreed to expunge your student discipline record and the discipline still shows up on my records, what can I do?**

A: Contact the DHP Office at 510-273-1530. Email: [lauran.cherry@ousd.k12.ca.us](mailto:lauran.cherry@ousd.k12.ca.us) or [theresa.clincy@ousd.k12.ca.us](mailto:theresa.clincy@ousd.k12.ca.us)

# OAKLAND UNIFIED SCHOOL DISTRICT

## Administrative Regulation

AR 5144.3

### **Students**

#### Expungement of Student Discipline Records

The Superintendent or designee shall create a form entitled "Request to Expunge Student Discipline Records," which shall include the Frequently Asked Questions on Attachment A.

The Superintendent or designee shall make a determination as to whether the student requesting expungement meets the criteria within 90 days of a request and make a recommendation to the Board of Education. The Board of Education will review the Superintendent's recommendation in closed session.

The Discipline Office will notify the student and parent/guardian of the Board's decision by a letter sent in English and the primary language of the parent/guardian if other than English. If the request for expungement is denied, the student must wait one full school year before reapplying for expungement.

#### **Student Being Readmitted or Reinstated to the District**

Expungement of records of temporarily-expelled students may be considered as a part of the DHP readmission or reinstatement recommendation of the Superintendent if the reinstated/readmitted student meets the relevant criteria. When the recommendation is a part of the readmission or reinstatement recommendation, the Superintendent shall recommend to the Board the date on which the expungement should occur. The date of expungement should be no less than three years after the date of the relevant offense. The Superintendent shall complete the expungement of the records within 60 days of the date ordered by the Board of Education. The Superintendent's recommendation shall comply with Education Code Section 49079(a).

#### **Notification**

The Superintendent or designee shall widely advertise that a student may request expungement of student discipline records.

The form "Request to Expunge Student Discipline Records" shall be available for download on the OUSD website, at high schools, the Discipline office, and the Student Assignment Office.

No later than February 15, 2014, the Superintendent or designee shall mail a written notice regarding the expungement policy to students who were in the 11th or 12th grades during either the 2011-2012 or 2012-2013 school years and who received a suspension at some point in their school career. The notice shall be sent to their last known address and shall be sent in English and the primary language of the parent/guardian if other than English. The notice shall include the "Request to Expunge Student Discipline Records" form.

(cf. - AR 5124 – Communications With Parents/Guardians; Translation and Interpretation Services)

In addition, notice of the District's Policy shall be distributed using the following means:


- 1) District website
- 2) Annual Parent Guide
- 3) DHP handbook
- 4) Principal Discipline Training
- 5) Annual reminder to high school principals;
- 6) High School registration packet
- 7) Added to Readmission or Reinstatement letter (including date on which expungement may be requested)
- 8) All City Council

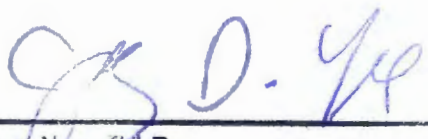
The Superintendent or designee shall organize four scheduled events during the 2014 calendar year to support students and families who wish to submit a request for expungement. The first event should be held by March 15, 2014 and the remaining events should be held at regular intervals throughout 2014.

#### **Annual Report to the Board**

The Superintendent or designee shall provide an annual report to the Board at the second Board of Education meeting in August of the number of applications for expungement received, the length of time to process the request, a summary of the disposition of the request for the previous school year, and any recommendations for changes in the expungement policy.

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## Attachment A

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