

ACLCL – AUSD Student Disciplinary Agreements

The ACLC Charter, approved by the AUSD States:

Judicial Committee (from page 9, section D of ACLC Charter)

The Judicial Committee (JC) is comprised of five clerks who are elected from among the learners and one facilitator selected by his/her peers. They meet three times each week to consider issues related to infringement of rules codified in the Law Book. The Law Book has been developed by the CCC during the past five years of operations and is revised and updated on a regular basis by the CCC.

The Judicial Committee is responsible for enforcing the rules of the school by hearing cases submitted by learners and facilitators and deciding on appropriate consequences to specific actions. In this role the findings of the JC are binding on all parties involved and may result in further action, including suspension or expulsion, if not followed. (See section J below)

The JC also mediates disputes and assists parties who are engaged in some type of conflict to find common ground so that they can move forward in a cooperative manner. This role is particularly important since, generally, after some form of dispute the parties will remain in the same learning community and will interact regularly in some way.

The JC is a particularly important part of the governance of the school since it places the responsibility for self-management clearly with the learners.

Behavioral Issues (from page 11, section F of ACLC Charter)

As has been mentioned above, the ACLC Charter is a self-governing, student-operated community with respect to learner behavior. In many ways this constitutes a strength that supports student safety since the students establish the rules of the community and are therefore very conscious of the impact of their behavior on the entire community. Certainly, facilitators, as the adults responsible for overall safety of the program, take strong action as necessary in the case of an emergency. However, the learner community takes the vast majority of these actions itself, through Leadership, the CCC and the Judicial Committee.

Learners who constitute a risk to themselves or others are referred to appropriate mental health or police jurisdictions according to their presenting problems and may be removed from the ACLC environment as necessary. **Learners who violate substantive rules of the community may be removed from the school, after receiving due process under the laws of the ACLC, and will be referred to AUSD for appropriate alternative placement.** Learners who are found by the ACLC Judicial Committee to have committed acts calling for a mandatory recommendation for expulsion under the terms of the California Education Code will be referred to AUSD's Office of Student Services for possible expulsion from the district. District expulsion proceedings for ACLC learners will be conducted in accord with district policies and state and federal law. The record of the ACLC Judicial Committee will be made available for the district's use in such cases.

Disciplinary Procedures including Suspension and Expulsion (from page 15, section J of ACLC Charter)

The Judicial Committee is charged with administering the rules of ACLC Charter and for establishing consequences for inappropriate behavior in all but the most serious situations. In cases that involve risks to the safety and well-being of learners, the facilitators may be required to take action immediately and independent of any Committee to protect the entire school community. This may take the form of immediate suspension, pending review by the Judicial Committee and/or by the district disciplinary review process.

Learners who are found by the ACLC Judicial Committee or lead facilitator, when circumstances warrant an immediate determination, to have committed acts calling for a mandatory recommendation for expulsion under the terms of the California Education Code (see Section 48915) will be referred to AUSD's Office of Student Services for possible expulsion from the district. Acts which fall into this category include, but are not limited to: causing serious injury to another person; sexual assault; possession of a firearm, knife, explosive or dangerous object; possessing or selling a controlled substance; robbery; assault on a school employee. District expulsion proceedings for ACLC learners will be conducted in accord with district policies and state and federal law. The record of the ACLC Judicial Committee will be made available for the district's use in such cases.

In all other matters that do not constitute an immediate threat to health and safety, the issue will be referred to the Judicial Committee. The JC operates based on the body of regulations that has been developed in the ACLC Charter Law Book. The Law Book was developed and is updated by the CCC on a regular basis. These matters will be decided by a group of peers and learners will be obligated to the entire learning community to fulfill any consequences imposed by the JC.

The AUSD-ACLC MOU dated 8/28/01 states: (from page 11, section K)

Student discipline jurisdiction: For purposes of student disciplinary proceedings, ACLC shall have jurisdiction over acts committed by any student enrolled at ACLC or AUSD schools within the ACLC facility or the immediate vicinity. EHS shall have jurisdiction over acts committed by ACLC students elsewhere on the EHS campus. Student disciplinary proceedings under the jurisdiction of the ACLC shall be governed by the provisions of Sections D., F., and J. of the Charter. ACLC shall be responsible for informing students enrolled at the ACLC or AUSD-enrolled students regularly participating in educational activities at the ACLC facility, and their parents, of the behavioral standards and disciplinary procedures enforced at the ACLC.

Due Process Policy for Exiting a Learner from the ACLC Program

Adopted 9/4/02

The ACLC Charter, approved by the AUSD states:

“Learners who violate substantive rules of the community may be removed from the school, after receiving due process under the laws of the ACLC, and will be referred to AUSD for appropriate alternative placement.”

Due Process under the ACLC Charter for removing a learner from the program shall be as follows:

The elected ACLC Judicial Clerks and ACLC supervising Judicial Facilitator, may, by majority vote, recommend to the Lead Facilitator and the ACLC Governing Board that a learner be removed from the ACLC Program for substantive rules violations. Substantive rules violations shall be defined as follows:

If a learner continues to be referred to the Judicial Committee for repeated inappropriate behavior and violation of the ACLC rules, and the intervention consequences for such behavior repeatedly do not produce self-correcting behavior on the part of the learner violating the ACLC rules, then the elected ACLC Judicial Clerks and supervising ACLC Judicial Facilitator may make a written request to the Lead Facilitator to have the learner removed from the program. All such requests shall be in writing and have the learner’s judicial record of infractions and intervention consequences attached.

The Lead Facilitator shall review the requests of the elected Judicial Clerks and supervising ACLC Judicial Facilitator for removal of a learner from the program, and shall immediately convene a mandatory meeting between the learner, whose removal has been recommended, the parents or guardians of the learner recommended for removal from the program, the ACLC Judicial Facilitator, and the elected ACLC Judicial Clerks. After this meeting, the Lead Facilitator may choose to refer the matter to the ACLC Governing Board in closed session. The Governing Board shall review the request for removal from the program, and, if the Board agrees with the decision based on the evidence presented, shall instruct the Lead Facilitator to arrange for a special closed session Board meeting to discuss the Judicial Committee’s recommendation. At this special closed session Board meeting, mandatory attendance is required for the learner under consideration for removal from the program and at least one of his/her parents or guardians. After the mandatory learner-parent closed session Board meeting, the ACLC Governing Board may vote by 2/3 majority to remove the learner from the ACLC or may agree on written guidelines that the learner must follow if he/she is to remain enrolled in the ACLC. If the learner and his/her parent or guardians fail to appear before the ACLC Governing Board in closed session after being properly notified by 10 days in advance of the necessity of attending such meeting, the Board may vote by 2/3 majority to remove a learner from the ACLC.

