

Students

SUSPENSION AND EXPULSION/DUE PROCESS

Definitions

Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, "suspension" does not mean any of the following: (Education Code 48925)

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level.
2. Referral to a certificated employee designated by the principal to advise students.
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five schooldays.

Expulsion means removal of a student from the immediate supervision and control, or the general supervision, of school personnel. (Education Code 48925)

Day means a calendar day unless otherwise specifically provided. (Education Code 48925)

Schoolday means a day upon which the schools of the district are in session or weekdays during the summer recess. (Education Code 48925)

Student includes a student's parent/guardian or legal counsel. (Education Code 48925)

Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (Education Code 48911)

School property, for the purposes described in Education Code 48900, includes, but is not limited to electronic files and databases. (Education Code 48099(u))

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, 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. (Education Code Section 48900.7(b))

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Hazing includes any method of initiating or pre-initiation into a student organization or student body or any pastime or amusement engaged in with respect to these organizations which causes, or is likely to cause, bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm, to any pupil or other person attending any school, community college, college, university, or other educational institution in this state. The term “hazing” does not include customary athletic events or other similar contests or competitions.

Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension and expulsion. Transfer students and their parents/guardians shall be notified at the time of enrollment. (Education Code 35291.5)

(cf. 5144- Discipline)

Notification shall include information about the ongoing availability of individual school rules and all district policies and regulations pertaining to student discipline. (Education Code 35291)

(cf. 5145.6 - Notifications Required by Law)

Grounds for Suspension and Expulsion

Students may be subject to suspension or expulsion for committing any of the acts listed below:

1. (a) 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. (Education Code 48900(a))

A student who aids or abets the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled. However, a student may be suspended or expelled pursuant to Education Code 48900(a) once he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury. (Education Code 48900(t))

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence. (Education Code 48900(b))
(cf. 5131.7- Weapons and Dangerous Instruments)
3. Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of any controlled substance as defined in the Health and Safety Code 11053 et seq., alcoholic beverage, or intoxicant of any kind. (Education Code 48900(c))
(cf. 5131.6 - Alcohol and Other Drugs)

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4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance or material and represented same as controlled substance, alcohol beverage or intoxicant. (Education Code 48900(d))
5. Committed or attempted to commit robbery or extortion. (Education Code 48900(e))
6. Caused or attempted to cause damage to school property or private property. (Education Code 48900(f)).
7. Stolen or attempted to steal school property or private property. (Education Code 48900(g)).
8. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products. (Education Code 48900(h))
9. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900(i))
10. Unlawfully possessed, or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code. (Education Code 48900(j))
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))
12. Knowingly received stolen school property or private property. (Education Code 48900(l)).
13. Possessed an imitation firearm. (Education Code 48900(m))

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. (Education Code 48900(m))
14. Making terroristic threats, as defined, against school officials or school property, or both. (Education Code 48900.7).

A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, or property damage in excess of \$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. (Education Code 48900.7)

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15. 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. (Education Code 48900(n))
16. Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness and/or retaliating against that pupil for being a witness, or both. (Education Code 48900(o))
17. Unlawfully offered, arranged to sell, or sold the prescription drug Soma. (Education Code 48900(p))
18. Engaged in, or attempted to engage in, hazing. (Education Code 48900(q))

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 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. Hazing does not include athletic events or school-sanctioned events. (Education Code 48900(q))

19. Committed sexual harassment as defined in Education Code 212.5. (Education Code 48900.2)

Sexual harassment means that conduct, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive education environment. (Education Code 212.5, 48900.2)

(cf. 5145.7 - Sexual Harassment)

20. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233. (Education Code 48900.3)

Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating another person, interfering with the exercise of a person's civil rights, or damaging a person's property because of the person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation. (Education Code 233; Penal Code 422.55)

21. Intentionally engaged in harassment, threats, or intimidation against district personnel or students 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 school personnel or students by creating an intimidating or hostile educational environment. (Education Code 48900.4)
22. Engaged in an act of bullying by 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

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Education Code sections 48900.2, 48900.3, or 48900.4 directed at one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following: placing a reasonable pupil or pupils in fear of harm to the pupil or pupils or his/her/their property; causing a reasonable pupil to experience substantial interference with his or her physical or mental health; causing a reasonable pupil to experience substantial interference with his or her academic performance; or 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.

Electronic act means the transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. (Education Code 32261)

23. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233. (Education Code 48900.3) Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating another person, interfering with the exercise of a person's civil rights, or damaging a person's property because of the person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation. (Education Code 233; Penal Code 422.55)
24. Intentionally engaged in harassment, threats, or intimidation against district personnel or students 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 school personnel or students by creating an intimidating or hostile educational environment. (Education Code 48900.4)

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any district school or within any other school district, including but not limited to the following circumstances:

1. While on school grounds.
2. While going to or coming from school.
3. During the lunch period, whether on or off the school campus.
4. During, going to, or coming from a school-sponsored activity.

Alternatives to Suspension/Additional Disciplinary Actions

Alternatives to suspension or expulsion will be used with students who are truant, tardy, or otherwise absent from assigned school activities. (Education Code 48900)

A superintendent or principal may use his/her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program.

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As part of or instead of disciplinary action prescribed by this policy, the principal of a school, or the principal's designee, may require a pupil to perform community service on school grounds or, with written permission of the parent or guardian of the pupil, off school grounds, during the pupil's nonschool hours. For purposes of this sub-section "community service" may include, but is not limited to, work performed in the community or on school grounds in the areas of outdoor beautification, community or campus betterment, and teacher, peer or youth assistance programs. This sub-section does not apply if a pupil has been suspended, pending expulsion, pursuant to Section 48915. However, this section applies if the recommended expulsion is not implemented or is suspended by stipulation or other administrative action.

Authority to Suspend

Teacher Authority to Suspend

A teacher may suspend any student from the teacher's class for the day of the suspension and the day following. (Education Code 48910)

Superintendent, Principal or Principal's Designee Authority to Suspend

A Superintendent, principal, or principal's designee may suspend a student from a school for any of the acts enumerated in Education Code Sections 48900, 48900.2, 48900.3, 48900.4, and 48900.7 and pursuant to Education Code 48900.5 for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)

A student found in possession of a firearm, at school or at a school activity shall be immediately suspended and recommended for expulsion. (Education Code 48915, 48915.7)

Suspension may be imposed upon a first offense if the Superintendent, principal or designee determines the student violated items (1)-(5) listed in "Grounds for Suspension and Expulsion" above or if the student violated items (6)-(12) and the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)

A student may be suspended from school for not more than 20 school days in any school year, unless for purposes of adjustment a student enrolls in or is transferred to another regular school, a community day school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48912)

School Board Authority to Suspend

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts enumerated in Education Code 48900 occurred. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

(cf. 5144.2 - Suspension and Expulsion/Due Process - Individuals with Exceptional Needs)

Suspension from Class by a Teacher/Parental Attendance

Suspension from class means the removal of a student from class by a teacher for the day of

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the suspension and the next day. A teacher may suspend a student from class and may also refer a student consideration of suspension from school for any act listed in "Grounds for Suspension and Expulsion" above.

When suspending a student, the teacher shall immediately report this action to the principal and send the student to the principal for appropriate action. The student shall be appropriately supervised during the class periods from which he/she has been suspended.

As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the suspension. A counselor or psychologist should attend the conference if it is practicable, and a school administrator may attend if either the parent/guardian or teacher so request.

A suspended student shall not be returned to class during the period of suspension without the approval of the teacher of the class and the principal.

A student suspended from class shall not be placed in another regular class during the period of suspension. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was suspended. (Education Code 48910)

The teacher of any class from which a student is suspended may require the suspended student to complete any assignments and tests missed during the suspension. (Education Code 48913)

Pursuant to Education Code 48900.1 and Board policy 5144.1, a teacher may require the parent/guardian of a student whom the teacher has suspended to attend a portion of a school day in his/her child's classroom. When a teacher makes this requirement, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is required pursuant to law. (Education Code 48900.1)

This notice shall also:

1. inform the parent/guardian when his/her presence is expected and by what means he/she may arrange any necessary change.
2. describe the legal protections afforded to the parent/guardian as an employee (Labor Code 230.7).
3. state that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student.
4. ask the parent/guardian to meet with the principal after the visit and before leaving school.

The teacher shall remind the parent/guardian to meet with the principal or designee after completing the classroom visit and before leaving school premises.

The Superintendent or principal shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915)

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1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife, as defined in Education Code 48915(g), at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #19 under "Grounds for Suspension and Expulsion" above

Procedures to be followed by principal or designee or Superintendent

Informal Conference

Suspension shall be preceded by an informal conference conducted by the principal or designee or the Superintendent between the student, and whenever practicable, the teacher, supervisor or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her and shall be given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911(b))

This conference may be omitted if the principal, designee or the Superintendent determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or school personnel. If the pre-suspension conference is not held, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such case, the conference will be held as soon as the student is physically able to return to school. (Education Code 48911 (c))

Administrative Actions

All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the misbehavior.

Suspension Notification and Due Process Notice to Parents/Guardians

At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911)

A notice of the suspension shall be mailed to the parent/guardian of the suspended pupil. The notice shall be in the primary language of the parent/guardian insofar as practicable and to the extent required by law. (Education Code Section 48985) This notice shall state the reasons leading to the decision to suspend, the date and time when the student may return to school.

The notice shall include the following:

- a. A statement of the facts leading to the decision to suspend

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- b. The date and time when the pupil will be allowed to return to school
- c. A statement of the right of the pupil or parent/guardian to request a meeting with the superintendent or superintendent's designee pursuant to policy Section I(D)(2)(e)
- d. A statement of the parent/guardian's or the pupil's right to have access to the pupil's record as provided by Education Code Section 49069.
- e. A request that the parent/guardian attend the informal conference with school officials regarding the pupil's behavior, including notice that state law requires that the parent/guardian to respond to such request without delay.

While the parent/guardian is required to respond without delay to the request for a conference regarding his/her child's behavior, no penalties may be imposed on the pupil for the failure of the parent/guardian to attend such conference, nor may the readmission of the pupil be contingent on the attendance by the pupil's parent/guardian at such conference. (Education Code Section 48911(f))

A school employee shall report the suspension of the pupil, including the cause to the district superintendent. (Education Code Section 48911(e))

Parent/Guardian Conference

Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved, and any other pertinent matters. (Education Code 48914)

While the parent/guardian is required to respond without delay to a request for a conference about a student's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such conference. The student may not be denied readmission solely because the parent/guardian failed to attend.

Extension of Suspension

If the Board is considering the expulsion of a suspended student or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision. (Education Code 48911 (g))

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension. Extension of the suspension may be made only if the Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

Suspension by the Board

When the Board is considering a suspension, disciplinary action, or any other action (except

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expulsion) against any student, it may hold closed sessions if a public hearing would lead to disclosure of information which would violate a student's right to privacy under Education Code 49073 et seq.

The Board shall provide the student with written notice of the closed session by registered or certified mail. Upon receiving this notice, the student may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Codes 48912 and 35146)

Authority to Expel

A student may be expelled only by the Board. The Board may order a student expelled for any of the acts listed under "Grounds for Suspension and Expulsion" above upon recommendation by the principal, Superintendent, hearing officer or administrative panel finding:

1. That the student violated items (1)-(5) of the list, or
2. That the student violated items (6)-(12) of the list or Education Code 48900.2 and other means of correction are not feasible or have repeatedly failed to bring about proper conduct; or due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or *others*. (*Education Code 48915*)
(*cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Exceptional Needs)*)

Recommendation for Expulsion

1. The principal, Superintendent or designee shall recommend a student's expulsion for any of the following acts, unless the principal or Superintendent finds, and reports in writing to the Board, that expulsion is inappropriate due to particular circumstances which shall be set out in the report of the incident:
 - a. Causing serious physical injury to another person, except in self-defense.
 - b. Possession of any knife, explosive or other dangerous object of no reasonable use to the student at school or at a school activity off school grounds.
 - c. Unlawful sale of any controlled substance, as listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
 - d. Robbery or extortion.

The principal, Superintendent or designee shall immediately suspend and recommend that the Board expel any student found in possession of a firearm at school or at a school activity off school grounds without the authorization of a teacher or school site administrator. The Board shall expel that student or, as an alternative, refer him/her to a program of study that is appropriately prepared to accommodate students with discipline problems and that is not located at a comprehensive high school or at the school site the student currently attends,

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whenever the Superintendent or designee and the Board confirm that:

- a. The student was in knowing possession of the firearm
- b. Possession of the firearm was verified by a district employee. (Education Code 48915)

Student's Right to Hearing (Education Code 48918(a))

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the principal or Superintendent or designee determines that one of the acts listed under "Grounds for Suspension and Expulsion" has occurred.

The student is entitled to one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion.

If the Board finds it impracticable to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held.

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay.

Written Notice of the Hearing (Education Code 48918(b))

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least ten calendar days before the date of the hearing. The notice shall include:

1. The date and place of the hearing.
2. A statement of the specific facts and charges upon which the proposed expulsion is based.
3. A copy of district disciplinary rules which relate to the alleged violation.
4. Notification that when seeking enrollment in another district, a student expelled for acts other than those described in paragraphs # 1 through #4 of Education Code 48915(a) then the student's parent/guardian must inform the new district of the student's status with the expelling district, pursuant to Education Code 48915.1. (Education Code 48918(b))
5. The opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by counsel.
6. The right to inspect and obtain copies of all documents to be used at the hearing.
7. The opportunity to confront and question all witnesses who testify at the hearing.

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8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

Conducting the Hearing

- a. Evidence may include, but is not limited to, testimony in the form of sworn declaration, edited to delete the name and identity of the witness, if school testimony of the witness would subject the witness to unreasonable risk of harm (Education Code 48918(f)).
1. Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be public.

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to determine if the student should be expelled. If the Board admits any other person to the closed session, the parent/guardian, the student, and the counsel of the student shall also be allowed to attend the closed session. (Education Code 48918(c))

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, so long as a reasonably accurate written and complete transcription of the proceedings can be made. (Education Code 48918(g))
3. Presentation of Evidence: While technical rules of evidence do not apply to such hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel must be supported by substantial evidence that the student committed any of the acts listed in "Grounds for Suspension and Expulsion."

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be *included in the hearing record*. (cf. 5145.12 - Search and Seizure)

4. Decision Within 10 Days: The Board's decision on whether to expel a student shall be made within ten school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))
5. Decision Within 40 Days: If the Board does not meet on a weekly basis, its decision on whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Alternative Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a

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hearing officer. Alternatively, the Board may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918(d))

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures as apply to a hearing conducted by the Board as specified in "Conducting the Hearing."

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the student shall be immediately reinstated. (See "Reinstatement.")

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f))

The hearing officer or administrative panel may recommend that the Board suspend the expulsion for a period of one year. (See "Suspension of Expulsion. ")

The Board shall make its decision about the student's expulsion within 40 school days after the date of the student's removal from school unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Final Action by the Board

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel, the final action to expel must be taken by the Board at a public meeting. (Education Code 48918(i)) The Board shall maintain a record of each expulsion, including its cause. Expulsion records shall be nonprivileged, disclosable public records. (Education Code 48918(J))

(cf.9321 - Closed Session Purposes and Agendas)

Upon ordering the expulsion, the Board shall set a date, no later than the last day of the semester following the semester in which the expulsion occurred, when the student may apply for readmission to a school within the district. The Board may recommend a plan for the student's rehabilitation, which may include:

1. Periodic review and assessment of the student at the time of application for readmission.
2. Recommendations for counseling, employment, community service and other rehabilitation programs.
3. Such other recommendations as the Board approves.

With parental consent, students who have been expelled for reasons relating to controlled

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substances or alcohol may be required to enroll in a county sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

Upon expulsion, a copy of readmission procedures will be made available to the student and his/her parent/guardian.

Reinstatement

When the Board accepts a recommendation against expulsion or makes its own decision after the hearing not to expel, the decision is final and the student shall be reinstated immediately. The Superintendent or designee shall place the student in any classroom program, other instructional program, rehabilitation program, or any combination of such programs following consultation with district personnel, including the teacher involved, and with the student's parent/guardian. (Education Code 48918(e))

Written Notice to Expel

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal such expulsion to the County Board of Education. (Education Code 48918(i))

The notice also shall inform the student or parent/guardian of his/her obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1. (Education Code 48918(i))

Readmission (Education Code 48916)

In accordance with the terms of the expulsion order, the student or parent/guardian may request a review of the student's expulsion status and readmission.

Readmission procedures shall be as follows;

1. A written request for review of expulsion action and request for readmission shall be submitted by the parent/guardian to the Superintendent or designee.
2. The Superintendent or designee will hold a conference with the parent/guardian and the student.

At the conference the conditions for readmission will be reviewed. The Superintendent or designee shall verify that the conditions have been met. School regulations will be reviewed and the student and parent/guardian will be asked to indicate in writing their willingness to comply with these regulations.

3. The Board may authorize the Superintendent or designee to determine whether the terms of readmission have been met and to readmit the student to a district school.
4. The Board or Superintendent/designee acting under the authority of the Board, may deny an application for readmission if it finds that the student has not satisfied conditions of the expulsion or has not demonstrated sufficient rehabilitation to be readmitted to school.

Administrative Regulation 5144.1(o)

5. The Superintendent or designee will notify the student or parent/guardian, by registered mail, of the decision regarding the reasons for denial, the alternative education program for expelled students where the pupil may enroll or continue to enroll, as the case may be, and any terms or conditions the pupil must meet before reapplying for admission.
6. The Board shall consider student expulsion matters in closed session. If a written request for open session is received from the parent/guardian or adult student, it will be honored.

Suspension of Expulsion (Education Code 48917)

1. The Board, upon voting to expel a student, may suspend the enforcement of the expulsion order for not more than one calendar year and may, as a condition of the suspension of enforcement, assign the student to a school, class or program appropriate for the student's rehabilitation.

When deciding whether to suspend an expulsion, the Board shall take into account the following criteria:

- a. The student's previous behavior.
 - b. The seriousness of the misconduct.
 - c. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program.
2. During the period of the suspension of the expulsion order, the student shall be on probationary status.
 3. The suspension of expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the district's rules and regulations governing student conduct.
 4. When the suspension of expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.
 5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expungement of any or all records of the expulsion proceedings.
 6. Suspension of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. The appeal must be filed within 30 days of the Board's decision to expel.
 7. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the County Board. (Education Code 48918(i))

Administrative Regulation 5144.1(p)

Right to Appeal

The student or parent/guardian is entitled to file an appeal of the Board's decision to the County Board. (Education Code 48919)

The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion action is suspended and the student is placed on probation.

Maintenance of Records

The Board will maintain a record of each expulsion, including the cause therefore. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls, within five days of a written request by the admitting school. (Education Code 48918(j))

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5125 - Student Records)

Notifications and Reports

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering or sale of controlled substances, alcohol, or intoxicants of any kind.

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student possession of weapons or firearms in violation of Penal Code 626.9 and 626.10. (Education Code 48902)

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WEST SONOMA COUNTY UHSD
Sebastopol, California