



STUDENT CONDUCT

1. STUDENT SUSPENSIONS AND EXPULSION/DUE PROCESS

DEFINITIONS

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

"School day" means a day upon which the schools of the district are in session or weekdays during the summer recess. (48925(c))

"Suspension" means removal of a pupil from ongoing instruction for adjustment purposes. Suspension does not include reassignment to another program or class at the same school where the pupil will receive continuing instruction for the length of day prescribed for pupils of the same grade level, nor referral to a certificated employee designated by the principal to advise pupils, nor removal from the class for the remainder of the class period without reassignment to another class or program or sending the pupil to the principal or principal's designee which does not occur more than once every five school days. (48925(d))

"Emergency situation" means a situation determined by the principal or the principal's designee to constitute a clear and present danger to the lives, safety, or health of pupils or school personnel. (48911(c))

"Principal's designee" means an on-site administrator if one is available and if not available a certificated employee specifically designated by the principal in writing to assist with disciplinary procedures. The principal may appoint only one designee to serve at a time and the name of the designee shall be on file in the principal's office. A second person may be designated in writing by the principal when both the principal and principal's primary designee are absent from the school site. The name of the person shall be on file in the principal's office. (48911(h))

"Expulsion" means the removal of a pupil from the immediate supervision and control or the general supervision of school personnel as those terms are used in Section 46300 of the Education Code (48925(b)).

"School property" includes, but is not limited to electronic files and databases (Education Code 48900(s)).

1.2. 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. (Education Code 48900.1, 48980)

1.3 NOTICE TO LAW ENFORCEMENT AUTHORITIES

The chief administrative employee at a school shall notify the appropriate law enforcement authorities of the county or city in which the school is situated, of any acts of the student which may violate Penal Code Sections 245 (Assault with a Deadly Weapon), 626.9 (Firearms; schools, Gun-Free School Zone Act), or 626.10 (Schools; dirks, daggers, knives or razors), or Education Code Section 48900(c) (unlawfully possessed, used, sold or otherwise furnished, or been under the influence of any controlled substance, alcoholic beverage, or intoxicant of any kind) or (d) (unlawfully offered or arranged or negotiated to sell any controlled substance, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant). (E.C. 48902)

2. SUSPENSIONS

2.1. The principal or the principal's designee may suspend a pupil from school or recommend a pupil for expulsion pursuant to Education Code Section 48900 if the principal or principal's designee determines that the pupil has committed any of the following acts:

2.1.1. Caused, attempted to cause, or threatened to cause physical injury to another person, or willfully used force or violence upon the person of another, except in self-defense. (E.C. 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(q)).

2.1.2. 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. (E.C. 48900(b))

2.1.3. Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of any controlled substance listed in Health and Safety Code 11053 et seq., alcoholic beverage, or intoxicant of any

kind. (E.C. 48900(c))

2.1.4. Unlawfully offered, arranged or negotiated to sell any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant. (E.C. 48900(d))

2.1.5. Committed or attempted to commit robbery or extortion. (E.C.48900(e))

2.1.6. Caused or attempted to cause damage to school property or private property. (E.C. 48900(f))

2.1.7. Stolen or attempted to steal school property or private property. (E.C. 48900(g))

2.1.8. Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products. (E.C. 48900(h))

2.1.9. Committed an obscene act or engaged in habitual profanity or vulgarity. (E.C. 48900(i))

2.1.10. 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. (E.C. 48900(j))

2.1.11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties. (E.C. 48900(k))

2.1.12. Knowingly received stolen school property or private property. (48900(l))

2.1.13. Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (E.C. 48900(m))

2.1.14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4. (E.C. 48900(n))

2.1.15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary

proceeding for the purpose of either preventing that student from being a witness or retaliating against that student for being a witness, or both. (E.C. 48900(o))

Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (Education Code 48900(p)).

2.1.16 Engaged in, or attempted to engage in, hazing as defined in Section 32050 (E.C. 48900(q)).

2.1.17 Made terrorist threats against school officials and/or school property. (Education Code 48900.7).

Students in grades 4 through 12 are also subject to suspension or recommendation for expulsion for any of the acts listed below:

2.1.18 Committed sexual harassment as defined in E.C. 212.5 (E.C. 48900.2)

2.1.19 Caused, attempted to cause, threatened to cause or participated in an act of hate violence as defined in E.C. 33032.5 (e). (E.C. 48900.3)

2.1.20. Intentionally engaged in harassment, threats or intimidation directed against district personnel *or* a pupil or group of pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading the rights of that pupil or group of pupils by creating an intimidating or hostile educational environment (E.C. 48900.4)

2.2 The Superintendent, principal, or principal's designee may use his/her discretion to provide alternatives to suspension or expulsion for a student subject to discipline under this regulation, including, but not limited to, counseling and an anger management program (E.C. 48900(u))

2.3. 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: (E.C. 48900)

2.3.1. While on school grounds;

2.3.2. While going to or coming from school;

2.3.3. During the lunch period, whether on or off the campus; or

2.3.4. During, or while going to or coming from, a school sponsored activity.

2.4. For pupils who are truant, tardy, or otherwise absent from assigned school activities, all reasonably available alternatives to suspension or

expulsion are to be implemented. (48900(v))

2.5. Suspensions From Class By Teachers (48910)

2.5.1. A teacher may suspend a pupil from class for the day of the suspension and the day following for any of the acts set forth in Section 2.1 above for the day of the suspension and the day following. The teacher must:

2.5.1.1. Immediately report the suspension to the principal or principal's designee; and

2.5.1.2. Immediately send the pupil to the principal or principal's designee; and

2.5.1.3. As soon as possible ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension.

2.5.2. Whenever practicable, a school counselor or school psychologist shall attend the conference.

2.5.3. At the request of the teacher or parent, a school administrator shall attend the conference.

2.5.4. During the period of the suspension, the pupil shall not return to the class from which the pupil was suspended unless both the teacher and principal (or principal's designee) agree to the pupil's return. The pupil shall not be placed in another regular class or, if assigned to more than one class per day, to other regular classes scheduled at the same time during the period of suspension.

2.5.5. A teacher may also refer a pupil to the principal for consideration of a suspension from school.

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

2.5.7. A teacher may provide that the parent/guardian of a student whom the teacher has removed attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested 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 an alternate date
- 2) Describe the legal protections afforded to the parent/guardian as an employee under Labor Code 230.7.

- 3) Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1

2.6. Suspensions From School By Superintendent, Principal, or Principal's Designee (48911)

2.6.1. The principal, the principal's designee or the Superintendent may suspend a pupil from school for no more than five consecutive school days unless the suspension is extended pending an expulsion (E.C. 48900(11)).

2.6.2. The principal or principal's designee shall immediately suspend any student found at school or at a school activity to be: (E.C. 48915)

2.6.2.1 Possessing, as verified by a district employee, or 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

2.6.2.2 Brandishing a knife, as defined in Education Code 48915(g) at another person

2.6.2.3 Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058

2.6.2.4 Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #2.1.14 above

2.6.2.5 Possessing an explosive as defined in 18 USC 921

2.6.3. A pupil may be suspended upon a first offense if the principal or superintendent determines that the pupil violated subdivisions (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process (48900.5). In all other cases, a pupil may be suspended only when other means of correction fail to bring about proper conduct.

2.6.4. Prior to suspension, the principal or the principal's designee shall conduct an informal conference between the pupil and, whenever practicable, the teacher, supervisor or other school employee referring the pupil for suspension.

2.6.5. At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version of the facts and evidence in his or her defense.

2.6.6. A pupil may be suspended prior to the conference only if the principal or the principal's designee determines that an "emergency situation" exists. An "emergency situation" is a situation determined by the principal, the principal's designee or the superintendent to constitute a clear and present danger to the lives, safety or health of pupils or school personnel. If a pupil is suspended without a conference, the

parent and the pupil shall be notified of the pupil's right to return to school for the purpose of a conference. The conference shall be held within two school days unless waived by the pupil or the pupil is physically unable to attend (e.g. incarceration, hospitalization). In such cases, the conference shall be held as soon as the pupil is physically able to return to school for the conference.

2.6.7. Notice of Suspension (48911(d))

2.6.7.1. At the time of suspension, a school employee shall make a reasonable effort to contact the pupil's parent or guardian in person or by telephone.

2.6.7.2. Whenever a pupil is suspended from school, the parent or guardian shall be notified in writing of the suspension. This notice shall state the specific offense committed by the student. (Education Code 48900.8.)

The written notice may also state the date and time when the student may return to school and, if school officials request the parent/guardian meet with school officials to discuss the causes and duration of the suspension and any other matters pertinent to the matter, the notice may add that state law requires parents/guardians respond to such requests without delay.

2.6.7.3. No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with school officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at such conference.

2.6.8. Duration of Suspension

2.6.8.1. Except as provided in Education Code Section 48911(g) (extension of suspension where an expulsion is being processed) and 48912 (suspension by the governing board), the total number of days for which a pupil may be suspended shall not exceed 20 school days in a school year. If a pupil, for adjustment purposes, is transferred to, or enrolled in, another regular school, an opportunity school or class or a continuation education school or class, the total number of school days for which the pupil may be suspended shall not exceed 30 days in any school year. (48903)

2.6.8.2. In a case where expulsion is being processed (48911(g)) by the governing board, the school district superintendent or other person designated by him or her in writing may extend the suspension until such time as the governing board has rendered a decision in the action pursuant to the provisions of Education Code Section 48918, if the superintendent or the

superintendent's designee, following a meeting in which the pupil and parent are invited to participate, has determined that the presence of the pupil at the school or in an alternate school placement would cause a danger to persons or property or a threat of disrupting the instructional process. (48911(g))

2.6.8.3. If the pupil or the pupil's parent(s)/guardian(s) has requested a meeting to challenge the original suspension pursuant to Education Code Section 48914, the purpose of the above meeting shall be to decide upon the extension of the suspension order and may be held in conjunction with the meeting on the merits of the suspension. (48911(g))

2.5.6.4. The Governing Board may suspend a pupil attending a continuation school or class for not longer than the remainder of the semester during which the acts leading directly to the suspension occurred. The suspension shall meet the requirements of Education Code 48915. (E.C. 48912.5, 48915)

2.5.6.5. The Governing Board, when considering the suspension or other disciplinary action against a pupil, other than expulsion, shall conduct the hearing in closed session if a public session would lead to the giving out of information concerning a pupil other than directory information as defined in Education Code Section 49061.

2.5.6.6. The Governing Board shall notify the pupil and the pupil's parents of the intent to hold a closed session to discuss the suspension or discipline of the pupil, other than expulsion. Unless the parent or pupil, within 48 hours of the receipt of the notice, requests that the hearing be held at a public meeting, the hearing shall be conducted in closed session. If such a request is received, the meeting shall be conducted in public session, except that any discussion at the meeting, which may be in conflict with the right to privacy of any other pupil, shall be conducted in closed session. (48912)

2.7. Meeting With Superintendent (E.C. 48914)

2.7.1. If suspension is ordered by a principal or the principal's designee, the pupil or pupil's parent or guardian shall have the right to request a meeting with the Superintendent or the Superintendent's designee. The meeting shall be held within three school days of the time such request is received by the Superintendent or the Superintendent's designee.

2.7.2. The superintendent or the superintendent's designee shall meet with the parent or guardian of a suspended pupil to discuss the causes, the duration, the school policy involved, and other matters pertinent to the suspension.

2.7.3. The pupil may designate a representative to be present with him

or her at the meeting.

3. EXPULSIONS

3.0. Grounds for Expulsion (48915)

A student may be expelled only by the Governing Board. The Board shall expel, as required by law, any student found to have committed certain offenses listed below under "Mandatory Recommendation and Mandatory Expulsion."

The Board also may order a student expelled for any of the acts listed above under "Grounds for Suspension and Expulsion" upon recommendation by the principal, Superintendent, hearing officer or administrative hearing panel, based on finding either or both of the following: (E.C. 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
2. That 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.

3.1 Mandatory Recommendation for Expulsion

Unless the principal, Superintendent, *or* Superintendent's designee finds that expulsion is inappropriate due to particular circumstances, the principal, Superintendent or designee shall recommend a student's expulsion for any of the following acts: (E.C. 48915(a))

- 3.1.1. Causing serious physical injury to another person, except in self-defense.
- 3.1.2. Possession of any knife as defined in E.C. 48915(g), explosive or other dangerous object of no reasonable use to the student
- 3.1.3. Unlawful possession 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 possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis. (E.C. 48916.5)
- 3.1.4. Robbery or extortion.
- 3.1.5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee.

3.2. Mandatory Recommendation and Mandatory Expulsion

The principal, Superintendent or Superintendent's designee shall recommend that the Board expel any student found at school or at a school activity to be: (E.C. 48915(c))

- 3.2.1. Possessing, as verified by a district employee, or 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.

3.2.2. Brandishing a knife as defined in Education Code 48915(g) at another person.

3.2.3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058.

3.2.4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #2.1.14 under "Grounds for Suspension and Expulsion" above.

3.2.5. Possessing an explosive as defined in 18 USC 921.

Upon finding that the student committed any of the above acts, the Board shall expel the student. (E.C. 48915)

3.3. The above acts must relate to school activities or attendance but may take place at any time, including, but not limited to:

3.3.1. While on school grounds;

3.3.2. While going to or coming from school;

3.3.3. During the lunch period, whether on or off the campus;

3.3.4. During or while going to or coming from, a school sponsored activity.

3.4. For pupils who are truant, tardy, or otherwise absent from assigned school activities, all reasonable available alternatives to suspension or expulsion are to be implemented. (48900)

3.5. Expulsion of Pupils With Exceptional Needs Enrolled in Special Education Programs (E.C. 48915.5)

3.5.1. In a matter involving a pupil with previously identified exceptional needs who is currently enrolled in a special education program, the governing board may order the pupil expelled pursuant to subdivisions b or d of Section 48915 only if all of the following conditions are met:

3.5.1.1. An individualized education program team meeting is held and conducted pursuant to Article 3 (commencing with Section 56340) of Chapter 2 of Part 30;

3.5.1.2. The team determines that the misconduct was not caused by, or was not a direct manifestation of, the pupil's identified disability;

3.5.1.3. The team determines that the pupil had been appropriately placed at the time the misconduct occurred.

3.5.2. The term "pupil with previously identified exceptional needs"

means a pupil who meets the requirements of Section 56026 and who, at the time the alleged misconduct occurred, was enrolled in a special education program.

3.5.3 The parent of each pupil with previously identified exceptional needs has the right to participate in the individualized education program team meeting preceding the commencement of expulsion proceedings through actual participation, representation, or a conference call. Each parent shall be notified of his or her right to participate in the meeting at least forty-eight (48) hours prior to the meeting. Unless a parent has requested a postponement, the meeting may be conducted without the parent's participation, if the notice required by this subdivision has been provided.

3.5.4 Each parent may request that the meeting be postponed for up to three (3) additional school days. In the event that a postponement has been granted, the local educational agency may extend any suspension of a pupil for the period of postponement. Otherwise, suspensions of special education students may not be extended pending expulsion, nor may an alternative school placement be assigned without the express written consent of the parent(s)/guardian(s). Honig v. Doe (1988) 98 L.Ed.2d.

3.5.5 In determining whether a pupil should be expelled, the individualized education program team shall base its decision on recent and relevant information regarding the pupil.

3.5.5.1 The term "recent", as used in this subdivision, means information that has been acquired within three (3) years of the date of the alleged misconduct.

3.5.5.2 The term "relevant information," as used in this subdivision, means all of the following:

3.5.5.2.1 A review of the pupil's school progress and behavior, if available, including, but not limited to, a review of the pupil's individualized education program, teacher progress reports and comments, school health records, and school discipline records.

3.5.5.2.2 A review of the ability of the pupil to conform his/her behavior to the prescribed standards, and a determination of the relationship, if any, between the pupil's behavior and his/her handicapping condition.

3.6. Expulsion of pupils with exceptional needs; possession of firearm, knife, explosive, or other dangerous object. (Education Code 48915.6) The restrictions and special procedures provided in Section 48915.5 for the expulsion of a pupil with exceptional needs shall not apply when the pupil possessed a firearm, knife, explosive, or other dangerous object of no reasonable use to the pupil, or the pupil committed sexual battery, at

school or at a school activity off school grounds, unless, for these acts the restrictions and special procedures in Section 48915.5 are mandated under federal law, including Section 1415 of Title 20 of the United States Code.

3.7. Length of Expulsion (48916)

3.7.1. Upon ordering the expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district.

3.7.2. For a student expelled for an act listed under Section 3.2 "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis.

3.7.3. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. (E.C. 48916)

3.7.4 At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include:

1. Periodic review and assessment at the time of review for readmission.
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service and other rehabilitation programs.

Students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in IUSD Alternative to Suspension Program, or a county/private drug rehabilitation program, designed to assist students and families who may be facing substance abuse before returning to school. (E.C. 48916.5)

3.8. Student's Right to Hearing (48918(a))

3.8.1. An expulsion hearing shall be held within 30 school days of the date the principal or superintendent determines the pupil has committed any of the acts enumerated in Section 48900 of the Education Code unless the pupil requests in writing that the hearing be postponed. The pupil shall be entitled to one postponement for a period of not more than 30 calendar days. Additional postponements may be granted by the governing board. In the event that compliance by the governing board with these time requirements is impracticable, the superintendent or his designee may, for good cause, extend the time period for five additional school days. The reason for the extension of the time for the hearing shall be included as part of the record at the time the expulsion hearing is conducted.

3.8.2. Written Notice of the Hearing (E.C. 48918(b))

Written notice of the hearing shall be forwarded to the pupil and the pupil's parent or guardian at least 10 calendar days prior to the date of the hearing. Such notice shall include:

- 3.8.2.1. The date, time, and place of the hearing;
- 3.8.2.2. A statement of the specific facts and charges upon which the proposed expulsion is based;
- 3.8.2.3. A copy of the disciplinary rules of the district which relate to the alleged violation; and
- 3.8.2.4. Notification of the student's or parent/guardian's obligation, pursuant to E.C. 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in E.C. 48915(a) and (c).
- 3.8.2.5 The opportunity of the pupil or the pupil's parent or guardian to:
 - 3.8.2.5.1. Appear in person or to employ and be represented by counsel or by a nonattorney advisor;
 - 3.8.2.5.2. To inspect and obtain copies of all documents to be used at the hearing;
 - 3.8.2.5.3. To confront and question all witnesses who testify at the hearing;
 - 3.8.2.5.4. To question all other evidence presented; and
 - 3.8.2.5.5. To present oral and documentary evidence on the pupil's behalf, including witnesses.

3.8.3. Conduct of Hearing

In lieu of conducting an expulsion hearing itself, the governing board may appoint an impartial administrative *hearing* panel of three or more certificated employees of the district, none of whom shall be on the staff of the school in which the pupil is enrolled. In lieu of the appointment of district employees exclusively, the district may request the services of one or more certificated persons not employed by the district. Such hearing shall not be conducted in conflict with any procedures established in this policy.

3.8.4. The governing board, or in the case where the governing board appoints an administrative hearing panel, the administrative panel shall conduct a hearing to consider the expulsion of a pupil in a session closed to the public unless the pupil or the pupil's parents or guardian requests, in writing at least five days prior to the date of the hearing, that the hearing be conducted at a public meeting. If such request is made of the governing board, 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. (E.C. 48918(c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including but not limited to videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (E.C. 48918(c))

3.8.6 Within three school days following such hearing, administrative hearing panel shall determine whether to recommend expulsion to the governing board.

3.8.7 If the decision of the administrative hearing panel is to not recommend expulsion, the expulsion proceedings shall be terminated and the pupil shall be immediately reinstated and allowed to return to a classroom instructional program, any other instructional program, a rehabilitation program or any combination of these programs. Placement in one or more of these programs shall be made by the superintendent or his designee after consultation with district personnel, including the pupil's teachers and the pupil's parent or guardian. The decision not to recommend expulsion shall be final.

3.8.8 If the hearing officer or administrative panel recommends expulsion, findings of fact in support of such recommendation shall be prepared and submitted to the governing board. All findings of fact and recommendations shall be based solely on the evidence adduced at the hearing. If the governing board accepts the recommendation calling for expulsion, such acceptance shall be based upon either a review of the findings of fact and recommendations submitted by administrative hearing panel or upon results of any supplementary hearing conducted pursuant to this policy as the governing board may order.

3.8.9 The decision of the governing board to expel a student shall be based upon substantial evidence relevant to the charges adduced at the expulsion hearing. No evidence to expel shall be based solely upon hearsay evidence. An administrative hearing panel, or governing board, upon a finding that good cause exists, may determine that the disclosure of the identity of a witness and the testimony of the witness at the hearing would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations which shall be examined only by the governing board or

the hearing officer or administrative panel. Copies of the sworn declarations which are edited in such a manner as to delete the name and identity of the witness shall be made available to the pupil.

3.8.10 A record of the hearing shall be made. Such record may be maintained by any means, including electronic recording, so long as a reasonably accurate and complete written transcription of the proceedings can be made.

3.8.11 Technical rules of evidence shall not apply to such hearing, but evidence may be admitted and given probative effect only if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. A decision of the governing board to expel shall be supported by substantial evidence showing that the pupil committed any of the acts enumerated in Section 48900 of the Education Code.

3.8.12 Whether an expulsion hearing is conducted in closed or public session by the governing board or before a hearing officer or administrative hearing panel, final action to expel a pupil shall be taken by the governing board only at a public meeting. Written notice of any decision to expel or to suspend the enforcement of an expulsion order shall be sent to the pupil or parent or guardian and shall be accompanied by notice of the right to appeal such expulsion to the county board of education within 30 days, notice of the education alternative placement to be provided to the pupil during the time of expulsion, and notice of the obligation of the parent, guardian, or pupil, upon the pupil's enrollment in a new school district, to inform that district of the pupil's expulsion.

3.8.13 A decision of the governing board whether to expel a pupil shall be made within 10 school days following the conclusion of the expulsion hearing unless the pupil requests in writing that such decision be postponed.

3.8.14 If compliance by the governing board with the time requirements for the conducting of an expulsion hearing under this subdivision is impractical due to a summer recess of governing board meetings of more than two weeks, the days during the recess period shall not be counted as schooldays in meeting the time requirements. The days not counted as schooldays in meeting the time requirements for an expulsion hearing because of a summer recess of governing board meetings shall not exceed 20 school days, as defined in subdivision (c) of Section 48295, and unless the pupil requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of school for the school year.

3.8.15 The governing board shall maintain a record of each expulsion, including the cause therefore. Records of expulsion shall be a

nonprivileged, disclosable public record.

3.8.16 The expulsion order and the causes therefore shall be recorded in the pupil's mandatory interim record and shall be forwarded to any school in which the pupil subsequently enrolls upon a request from the admitting school for the pupil's school records.

3.9 Suspension of Expulsion (48917)

3.9.1. The governing board, upon voting to expel a pupil, may suspend the enforcement of the enforcement of the expulsion order for a period of not more than one calendar year and may, as a condition of the suspension of enforcement, assign the pupil to a school, class, or program which is deemed appropriate for the rehabilitation of the pupil. During the period of the suspension of the expulsion order, the pupil shall be deemed to be on probationary status. The suspension of an expulsion order under this section may be revoked by the governing board upon the pupil's commission of any of the acts enumerated in Section 48900 or for any violation of the district's rules and regulations governing pupil conduct.

3.9.2 When it is alleged that a pupil on probationary status pursuant to Education Code Section 48917 has committed an offense in violation of Education Code Section 48900 or the district's rules and regulations governing pupil conduct, the principal or the principal's designee shall attempt to hold a conference with the pupil and the pupil's parent or guardian. At the conference, the pupil shall be informed of the reason the principal or the principal's designee is recommending revocation of the suspension of the expulsion order and the evidence against him or her and shall be given an opportunity to present his or her version of the facts and evidence in his or her defense. In the event the pupil or the pupil's parent or guardian fails to attend the conference, the principal or the principal's designee shall consider the evidence he or she has received and may recommend revocation of the expulsion order.

3.9.3 Following the conference, the principal or the principal's designee shall either find that no offense was committed and maintain the pupil on probationary status or that an offense was committed and present his findings to the governing board to determine whether the revocation of the suspension of the expulsion order should be ordered by the governing board. Upon revocation of the suspension of an expulsion order, a pupil may be expelled under the terms of the original expulsion order.

3.9.4 Upon satisfactory completion of the rehabilitation assignment of a pupil, the pupil shall be reinstated by the governing board in a school of the district. Upon reinstatement, the governing board may also order the expungement of any or all records of the expulsion proceedings.

3.9.5 A decision of the governing board to suspend 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 of education required under Education Code Section 48919. Any appeal shall be filed within 30 days of the original vote of the governing board.

3.10 Readmission Procedures of Expelled Pupil

3.10.1 A copy of the readmission procedure shall be mailed to the expelled pupil and the pupil's parent or guardian at the time the expulsion order is entered.

3.10.2 The district staff shall develop a standard readmission form which expelled pupils and their parents may use to apply for readmission.

3.10.3 The form shall include the present address of the pupil, all educational programs attended by the pupil during the period of expulsion, all activities of the pupil during the period of expulsion including, but not limited to, counseling, employment, community service and/or rehabilitative programs, and other information deemed appropriate by the district staff. The form may also seek information regarding any convictions or similar dispositions of criminal charges by a court or any suspensions, expulsions or other disciplinary action taken against the pupil by another school or educational program.

3.10.4 The district staff may contact persons having contact with the pupil during the period of expulsion and report their findings to the governing board.

3.10.5 The district staff shall, within 15 school days, submit to the governing board the pupil's application for readmission along with any reports compiled by the district staff for consideration at the next regularly scheduled board meeting.

3.10.6 The governing board shall review the application and accompanying report and either grant or deny the application for readmission. If the application for readmission is granted, the district staff shall inform the pupil and the pupil's parent in writing of the school which the pupil may attend. The notice of readmission shall be sent within five school days of the governing board's decision and the pupil may enroll at any time thereafter.

3.10.7 If the application for readmission is denied, the governing board shall notify, in writing, the pupil and the pupil's parents within five school days of their right to a hearing before the governing board to review the denial of the application for readmission. Upon receipt of the parent's or pupil's request for a hearing, a hearing shall be held within 20 school days unless the parties and the district agree to a postponement. Notice of the hearing date shall be sent to the parent at least 10 days prior to the hearing.

3.10.8 If the governing board denies the readmission of an expelled pupil, the governing board shall make a determination either to continue the placement of the pupil in the alternative educational program initially selected for the pupil, but need not be limited to, serving expelled pupils, including placement in a county community school.

3.10.9 The governing board shall provide written notice to the expelled pupil and the pupil's parent or guardian describing the reasons for denying the pupil readmittance into the regular school district program. The written notice shall also include the determination of the educational program for the expelled pupil. The expelled pupil shall enroll in that educational program unless the parent or guardian of the pupil elects to enroll the pupil in another school district.

3.10.10 The hearing to review the denial of the application for readmission shall be conducted in the same manner as an expulsion hearing except that the parent and pupil shall have the burden of proof to show that the pupil should be readmitted.

3.10.11 The decision of the governing board shall be final.

4. APPEAL TO COUNTY BOARD OF EDUCATION

4.1 Time for Filing Appeal (48919)

4.1.1 An expelled pupil may, within 30 days following the decision of the governing board to expel, file an appeal with the county board of education.

4.1.2 The county board of education is required to hold a hearing within 20 school days of the filing of the appeal.

4.2 Transcript (48919)

4.2.1 It shall be the responsibility of the pupil and the pupil's parent or guardian, at the time of filing the appeal, to request a copy of the written transcript and supporting documents from the district. The school district is required to provide the transcript, supporting documents and records within ten school days following the request.

4.2.2. The cost of the transcript shall be borne by the pupil, unless the pupil's parent or guardian certifies to the district that he/she cannot reasonably afford the cost of the transcript because of limited income or exceptional necessary expenses or both.(E.C. 48921) The cost of the district staff preparing the hearing transcript shall be charged at \$30.00 per hour.

4.2.3 It shall be the responsibility of the pupil and the pupil's parent or guardian to file the transcripts, supporting documents and records with the county board of education following transmittal of the records to the pupil and the pupil's parent or guardian.

5. STUDENTS EXPELLED FROM OTHER DISTRICTS (48911.1)

5.1 The governing board realizes that students expelled from school for serious offenses represent a possible danger to the students or staff at other schools in which they may seek to enroll. In order to identify and prohibit the enrollment of any such potentially dangerous student in our district, the board shall request expulsion information from the expelling district whenever it receives an enrollment request from an individual who has been expelled. Information about any student expelled from this district shall be supplied within five (5) working days to any other district that requests it.

5.2 The board shall hold a hearing whenever it finds that the pupil seeking enrollment was expelled from another district for an act other than these described in subdivision (a) or (c) of Education Code Section 48915.

5.3 The hearing and notice shall be conducted in accordance with expulsion procedures described in Section 48918 and in administrative regulations.

5.4 Upon determining, at this hearing, whether the individual in question poses a potential danger to district students or employees, the board shall either deny enrollment for the remainder of the expulsion period, permit enrollment, or permit conditional enrollment. If the student is found not to pose a danger, he/she shall be admitted or conditionally admitted. If the enrollment is permitted, an interdistrict agreement shall be required unless the student has, since being expelled, established legal residence in the district.

Legal Reference: Educational Code

§§ 35207, 46600, 47817, 48211, 48212, 48432.5, 48900, 48900.5, 48902, 48903, 48910, 48911, 48912, 48912.5, 48913, 48914, 48915, 48916, 48917, 48918, 48919, 48925, 49061, 56026, 56340

Government Code

§ 27720

Health & Safety Code

§§ 11014.5, 11053

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