

The Board of Trustees offers a program of education to prepare youth for citizenship and to create an awareness of the individual's responsibility for his/her own actions in accordance with the rules of socially accepted conduct.

Rules of discipline exist to ensure orderly, healthy, and productive environments in school and classroom, and should be designed and administered so that they promote self-discipline, civility, and respect for self and others.

Expulsion is dismissal from school attendance by action of the Board of Trustees. Expulsion is generally used as a last resort when efforts to effect satisfactory adjustment have failed, and/or because of the nature of the violation.

The Board of Trustees shall prescribe rules not inconsistent with regulations prescribed by the State Board of Education, for the governance and discipline of the schools under its jurisdiction.

In lieu of conducting expulsion hearings itself, the Board of Trustees will appoint an impartial administrative panel of three or more certificated employees of the district. This will be known as the Administrative Hearing Panel and will act as a final hearing body.

The Administrative Hearing Panel Chairperson will recommend, based on facts of finding presented at an expulsion hearing or based on the Stipulated Expulsion Agreement, the disposition of each student case to the Board. The Board of Trustees reviews the Administrative Hearing Panel's recommendation or Stipulated Expulsion Agreement in closed session and announces its final decision in an open session of a Board of Trustees' meeting.

Students expelled from other school districts will not be considered for enrollment until after their expulsion period has expired and/or the conditions for readmission have been reviewed and approved by the Superintendent or his/her designee.

Expulsion, except for single acts of a grave nature, is usually applied in cases where there is a history of misconduct and where all other efforts and appropriate forms of discipline, including suspension, have failed.

Students will be expelled from schools of the district in accordance with the following procedures:

1.0 Suspension and Expulsion Codes (Education Code Section 48900)

A pupil may not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to one or more of subdivisions (a) to (s) inclusive:

- (a)(1) Caused, attempted to cause, or threatened to cause physical injury to another person; or
- (a)(2) Willfully used force or violence upon the person of another, except in self-defense.
- (b) Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any such object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance, listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- (d) Unlawfully offered or 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 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) Committed or attempted to commit robbery or extortion.
- (f) Caused or attempted to cause damage to school property or private property.

- (g) Stolen or attempted to steal school property or private property.
- (h) 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.
- (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (j) 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.
- (k) 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.
- (l) Knowingly received stolen property or private property.
- (m) 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.
- (n) 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 sexually battery as defined in Section 243.4 of the Penal Code.
- (o) 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 or retaliating against that pupil for being a witness, or both.
- (p) Unlawfully offered, arranged to sell, negotiated to sell or sold the prescription drug Soma.
- (q) Engaged in, or attempted to engage in, hazing as defined in Section 32050.

- (r) A pupil may not be suspended or expelled for any of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following:
1. While on school grounds.
 2. While going to or coming from school.
 3. During the lunch period whether on or off the campus.
 4. During, or while going to or coming from, a school sponsored activity.
- (s) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may suffer suspension, but no expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).
- (t) As used in this section, "school property" includes, but is not limited to, electronic files and databases.
- (u) A superintendent or principal may use his or her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under this section.
- (v) It is the intent of the Legislature that alternatives to suspensions or expulsion be imposed against any pupil who is truant, tardy, or otherwise absent from school activities.

Instead of disciplinary action prescribed by this article, the principal of a school, the principal's designee, or the superintendent of schools, at his or her discretion, may require a pupil to perform community service on school grounds during non-school hours. For the purposes of this section "community service" may include, but is not limited to, work performed on school grounds in the areas of outdoor beautification, campus betterment, and teacher or peer assistance programs. This section shall not apply to instances where suspension or expulsion is required by this article. (Education Code Section 48900.6)

- 1.1 Education Code Section 48900.2, Suspension for Sexual Harassment: A pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed sexual harassment as defined in Section 212.5.

Section 212.5 states that "sexual harassment" means unwelcome sexual advances, requests for favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:

- 1.2 Education Code Section 48900.3, Suspension for Hate Violence: A pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, or threatened to cause, or participated in an act of hate violence, whereby an individual by force or threat of force willingly injures, intimidates, interferes, oppresses or threatens another person because of the other person's race, color, religion, ancestry, or other characteristics enumerated in Education Code as defined in subdivision (e) of Section 233.

- 1.3 Education Code Section 48900.4, Suspension for Harassment: A pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against a pupil or group of pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of that pupil or group of pupils by creating an intimidating or hostile educational environment.
 - 1.4 Education Code Section 48900.5, Suspension: Suspension shall be imposed only when other means of correction fail to bring about proper conduct. However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (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.
 - 1.5 Education Code Section 48900.7, Suspension for Terroristic Threat: A pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both; "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, unconditional, 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.
- 2.0 Expulsion Codes (Education Code Section 48915)

- 2.1 (48915 (a)) Except as provided in subdivisions (c) [2.3] and (e) [2.5], the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent finds that expulsion is inappropriate, due to the particular circumstance:
- 2.1.1 (1) Causing serious physical injury to another person, except in self-defense.
 - 2.1.2 (2) Possession of any knife, explosive, or other dangerous object of no reasonable use to the pupil.
 - 2.1.3 (3) Unlawful sale of any controlled substance 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.
 - 2.1.4 (4) Robbery or extortion.
 - 2.1.5 (5) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.
- 2.2 (48915 (b)) Upon recommendation by the principal, superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board may order a pupil expelled upon the finding that the pupil committed an act listed in subdivision (a) or in subdivision (a), (b), (c), (d), or (e) of Section 48900. A decision to expel shall be based on a finding of one or both of the following:
- 2.2.1 (1) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
 - 2.2.2 (2) Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.
- 2.3 (48915 (c)) The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or a school activity off school grounds:

- 2.3.1 (1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district.
- 2.3.2 (2) Brandishing a knife at another person.
- 2.3.3 (3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
- 2.3.4 (4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.
- 2.3.5 (5) Possession of an explosive.
- 2.4 (48915 (d)) The governing board shall order a pupil expelled upon finding that the pupil committed an act listed in (c) [2.3], and shall refer that pupil to a program of study that meets all of the following conditions:
 - 2.4.1 (1) Is appropriately prepared to accommodate pupils who exhibit discipline problems.
 - 2.4.2 (2) Is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school.
 - 2.4.3 (3) Is not housed at the schoolsite attended by the pupil at the time of suspension.
- 2.5 (48915 (e)) Upon recommendation by the principal, superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board may order a pupil expelled upon finding that the pupil, at school or at a school activity off of school grounds violated subdivision (f), (g), (h), (i), (j), (k), (l), or (m) of Section 48900, or Section 48900.2, 48900.3, 48900.4, or 48900.7 and either of the following:
 - 2.5.1 (1) That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.

- 2.5.2 (2) That due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.
- 2.6 (48915 (f)) The governing board shall refer a pupil who has been expelled pursuant to subdivision (b) [2.2] or (e) [2.5] to a program of study that meets all of the conditions specified in subdivision (d) [2.4]. Notwithstanding this subdivision, with respect to a pupil expelled pursuant to subdivision (e), if the county superintendent of schools certifies that an alternative program of study is not available at a site away from a comprehensive middle, junior, or senior high school, or an elementary school, and that the only option for placement is at another comprehensive middle, junior, or senior high school, or another elementary school, the pupil may be referred to a program of study that is provided at a comprehensive middle, junior, or senior high school, or at an elementary school.
- 2.7 (48915 (g)) As used in this section, "knife" means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3 1/2 inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.
- 2.8 (48915 (h)) As used in this section, the term "explosive" means "destructive device" as described in Section 921 of Title 18 of the United States Code.
- 3.0 Procedures for Expulsion of Students
- When a student fails to respond to other procedures or where a single act of a grave nature occurs and the advisability of continuing him/her in the school is questionable because of his/her own or other students' welfare, the following procedures shall be followed.
- 3.1 Determine if the student is a student with a disability or is a special education student (see Appendix I). Note: Special education students may be suspended in the same manner as regular students. An individual with exceptional needs may be suspended for up to, but not more than, ten (10) consecutive schooldays if he or she poses an immediate threat to the safety of himself or herself and others (Education Code Section 48911(g)).

To suspend more than ten (10) consecutive or ten (10) cumulative days in a school year will require the procedural safeguards explained below.

- 3.2 If the pupil is a student with a disability or is a special education student, these procedures will be followed, prior to commencement of expulsion proceedings.

In a matter involving a pupil with previously identified exceptional needs who is currently enrolled in a special education program, the Board of Trustees may order the pupil expelled pursuant to Education Code Section 48915(b) or (d) only if all of the following are met:

- 3.2.1 An Individualized Education Program (IEP) team meeting is held and conducted pursuant to Article 3 (Commencing with Section 56340) of Chapter 2 of Part 30.
- 3.2.2 The IEP team determines that the misconduct was not caused by, or did not have a direct and substantial relationship to the pupil's identified disability.
- 3.2.3 The IEP team determines that the conduct in question was not the direct result of the district's failure to implement the IEP.
- 3.2.4 The term "pupil with previously identified exceptional needs," means a pupil who meets the requirements of Education Code Section 56026 and who, at the time the alleged misconduct occurred, had been identified as disabled or who was enrolled in a special education program, including enrollment in nonpublic schools pursuant to Education Code Section 56365 and state special schools.
- 3.2.5 All applicable procedural safeguards prescribed by federal and state law and regulations apply to proceedings to expel pupils with previously identified exceptional needs.

- 3.2.6 The parent of each pupil with previously identified exceptional needs has the right to participate in an individualized education program team meeting preceding the commencement of expulsion proceedings. The parent may attend the meeting through actual participation, representation, or a telephone conference call. The meeting shall be held at a time and place mutually convenient to the parent and district, within the period, if any, of the pupil's pre-expulsion suspension but no later than ten (10) days following the disciplinary incident. Each parent shall be notified of his or her right to participate in the meeting at least 48 hours prior to the IEP meeting. The notification shall inform the parents that they have the right to participate through actual physical presence, through representation, or through a conference call. Unless the parent has requested a postponement, the meeting may be conducted without the parent's participation. Each parent may request that the meeting be postponed for up to three additional school days. In the event that a postponement has been granted, the district may extend the suspension of the pupil for the period of the extension if the pupil continues to pose an immediate threat to the safety of himself/herself or others and the district notifies the parent that the suspension will be continued during the postponement. However, a pupil may not be suspended for longer than ten (10) consecutive school days except with the consent of the pupil's parent or guardian, or by court order. If a parent who has received proper notice of the meeting refuses to consent to an extension beyond ten (10) consecutive schooldays and chooses not to participate, the meeting may be conducted without the parent's participation.
- 3.2.7 In determining whether or not the behavior was a manifestation of the student's disability, the IEP team shall base its decision on a review of all relevant information in the student's file, including the student's IEP, any teacher observations, any additional assessment(s) determined necessary, and any relevant information provided by the parents.

- 3.2.8 The team shall review and consider the pupil's school progress and behavior, if available, including, but not limited to, a review of the pupils IEP, teacher progress reports and comments, school health records, and school discipline records.
- 3.2.9 Should the district determine that a re-assessment is necessary, the parent shall be provided with a written notice of the district's intent to conduct a pre-expulsion assessment in accordance with 34 CFR 300.504. The notice shall also inform the parent of the requirement to make the pupil available for the assessment at a site designated by the district without delay. The parent's right to seek an independent assessment under Section 56329 applies despite the fact that the pupil has been referred for expulsion.
- 3.2.10 If the IEP team determines that the alleged misconduct was not caused by, or had a direct and substantial relationship to the pupil's disability, or that the conduct was not the direct result of the district's failure to implement the IEP, the pupil shall then be subject to the regular expulsion procedures of the district. However, a student with a disability who is removed from their current placement for disciplinary reasons or removed to an interim alternative educational placement as allowed by law shall:
- 3.2.10.1 Continue to receive educational services that would enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP, and
- 3.2.10.2 receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.
- 3.2.11 The parent of a pupil with previously identified exceptional needs may request a due process hearing if he or she disagrees with the IEP team's decision regarding either of the following:

- 3.2.11.1 That the behavior was not a manifestation of the pupil's disability and the pupil should be subject to the regular expulsion procedures, or
 - 3.2.11.2 the IEP team's decision regarding placement.
- 3.2.12 No expulsion hearing shall be conducted for an individual with exceptional needs until all of the following have occurred:
- 3.2.12.1 A pre-expulsion review of relevant information is conducted pursuant to 3.2.7 of this policy,
 - 3.2.12.2 the IEP team meets pursuant to section 3.2.1 of this policy, and
 - 3.2.12.3 due process hearings and appeals, if initiated pursuant to Section 1415 of Title 20 of the United States Code, are completed.
- 3.2.13 The statutory times prescribed for expulsion proceeding for individuals with exceptional needs shall commence after the completion of the steps outlined in section 3.2 of this policy.
- 3.2.14 In the event that a parent requests a hearing to appeal the decision of the IEP team, the pupil must remain in his current educational placement unless: The parent or guardian agrees to an interim placement, the student is subject to an interim alternative educational placement pursuant to 3.2.15 of this policy, or the district obtains a court order mandating the placement of the pupil in an alternative setting.
- 3.2.15 School personnel may remove a student to an interim alternative educational setting for not more than 45 school days, without regard to whether or not the behavior is determined to be a manifestation of the student's disability, for any of the following,:
- 3.2.15.1 Carries or possesses a weapon to or at school, on school premises or to or at a school function under the jurisdiction of a state or local educational agency,

- 3.2.15.2 knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises or to or at a school function under the jurisdiction of a state or local educational agency, or
- 3.2.15.3 has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency.
- 3.2.16 A student who has not been previously determined to be eligible for special education and who has engaged in behavior that violates a code of student conduct, may assert any of the protections afforded special education students if the district had knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred. A district shall be deemed to have knowledge that a student is a student with a disability if, before the behavior that precipitated the disciplinary action occurred, any of the following occurred:
- 3.2.16.1 The parent has expressed concern, in writing, to supervisory or administrative personnel of the district, or a teacher of the pupil, that the pupil is in need of special education and related services,
- 3.2.16.2 the parent has requested an evaluation of the pupil, or
- 3.2.16.3 the teacher of the pupil or other district personnel had expressed specific concerns about a pattern of behavior demonstrated by the pupil, directly to the director of special education or to other supervisory personnel.

The district shall not be deemed to have knowledge that the student is a student with a disability if the parent has not allowed an evaluation of the student or has refused services or the student has been evaluated and it was determined that the student was not a student with a disability.

If the district does not have knowledge that a student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to disciplinary measures applied to students without disabilities who engaged in comparable behaviors.

If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary measures, the evaluation shall be conducted in an expedited manner. If the student is determined to be a student with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services, except that pending the results of the evaluation, the student shall remain in the educational placement determined by the district.

3.3 If the student is a regular education student, the student and his/her parents or guardians will be asked to meet for a Local School Placement Conference (LSPC). This process shall also be followed for a special education student following the conclusion of the process described in 3.1 and 3.2 of this policy.

3.3.1 Letter Notifying of Meeting

The parents/guardians and the student will be notified of the place, time, and date of the meeting and of the specific violations, and the specific school rule, Board policy, or law that has been broken.

3.3.2 Local School Placement Conference

The Local School Placement Conference shall consist of at least the principal, or designee, and where practicable, one or more other certificated, classified or school resource personnel or employees. These procedures will be followed at the Local School Placement Conference:

- 3.3.2.1 The specific violation(s) will be stated with the specific rule, policy, or law that has been broken.
- 3.3.2.2 The school will review the student's LSPC packet.
- 3.3.2.3 The school will give an oral statement of facts.
- 3.3.2.4 The student will be encouraged to present any information concerning the charges against him/her.
- 3.3.2.5 The student will be permitted to have witnesses present to speak on his/her behalf.
- 3.3.2.6 The student will be permitted to question available witnesses concerning the charges.
- 3.3.2.7 The conference members will be permitted to ask questions of the student, parents/guardians and available witnesses.
- 3.3.2.8 The parents/guardians will be permitted to examine all school records and ask questions of the LSPC members and any available witnesses.
- 3.3.2.9 Minutes in summation form will be kept for each meeting. The minutes will be typed and will accompany the recommendation.
- 3.3.2.10 Prior to making the formal recommendation, the case will be reviewed with the appropriate representative of the office of the Assistant Superintendent, Administrative Services.
- 3.3.2.11 The parents/guardians and the student will be mailed a copy of the minutes and will be notified of the recommendation.

- 3.3.2.12 Extended Suspension: Students have the option of requesting homework from their teachers to be completed at home or request placement in the Extended Suspension Program.

When a recommendation for expulsion is to be made to the Administrative Hearing Panel, the Assistant Superintendent, Human Resources, acting on behalf of the superintendent, may extend the suspension pending Board action provided it has determined that the presence of the pupil at the school or in an alternative school placement would cause danger to persons or property or pose a threat of disrupting the instructional process.

4.0 Procedures for Recommending Expulsion to the Board of Trustees

If the recommendation of the Local School Placement Conference is for expulsion, the following procedures will be followed (see Appendix II).

- 4.1 After contacting the Assistant Superintendent, Human Resources, to report the extension of the suspension, contact the office of the Administrator, Safe Schools for completion of the proper paperwork and necessary timelines that must be followed.
- 4.2 Prepare one packet of materials for each student and include the following in each packet:
- 4.2.1 Expulsion checklist with administrator's name
- 4.2.2 Any student records to be used as evidence should be listed on a separate sheet with the following statement at the end of the list (see Appendix II):

"I certify that the above listed and attached materials are true and correct copies of official records of _____ High School."

(Signed) Custodian of Records

- 4.2.3 Expulsion Cover Sheet

- 4.2.4 Copy of LSPC recommendation letter to parent
- 4.2.5 Copy of suspension and extension of suspension notice
- 4.2.6 Chronological listing of student's misconduct and action taken (see Appendix IV).
- 4.2.7 Record of contact with other agencies (if any)
- 4.2.8 Copy of summary of Local School Placement Conference
- 4.2.9 Copy of IEP, if applicable
- 4.2.10 Copy of transcript, attendance record, and progress report
- 4.2.11 Copy of Chemical Use/Weapon Violation Board Report, if applicable
- 4.2.12 Copy of referral
- 4.2.13 Photocopy of weapon, if applicable
- 4.2.14 Copy of police incident report or number, if applicable
- 4.2.15 Copy of statements
- 4.2.16 Copy of intervention data
- 4.2.17 Other relevant information

Hand deliver one packet to the Safe Schools office.

5.0 Time Limits

The student shall be entitled to a hearing to determine whether or not the student should be expelled. An expulsion hearing shall be held within thirty (30) schooldays of the date the principal or the superintendent of schools determines that the student has committed any of the acts enumerated in Education Code Section 48900, 48900.2, 48900.3, Section 48900.4, or in Section 48900.7 unless the student or his/her parents/guardians request, in writing, that the hearing be postponed. The student shall be entitled to one postponement for a period of not more than thirty (30) calendar days of an expulsion hearing. Thereafter, any additional postponement may be granted at the discretion of the Board of Trustees.

A decision of the Board of Trustees whether or not to expel a student shall be made within ten (10) schooldays following the conclusion of the hearing, unless the parents/guardians request in writing, that the decision be postponed. If the hearing is held by a hearing officer or an administrative panel, or if the district Board of Trustees does not meet on a weekly basis, the Board of Trustees shall make its decision about a student's expulsion within forty (40) schooldays after the date of the student's removal from his or her school of attendance for the incident for which the recommendation for expulsion is made by the principal or the superintendent, unless the parents/guardians request that the decision be postponed.

In the event that compliance by the Board of Trustees with the time requirements for the conducting of an expulsion hearing under this subdivision is impracticable, the superintendent of schools or the superintendent's designee may, for good cause, extend the time period for the holding of the expulsion hearing for an additional five (5) schooldays. Reasons for the extension of the time for the hearing shall be included as a part of the record at the time the expulsion hearing is conducted. Upon the commencement of the hearing, all matters shall be pursued and conducted with reasonable diligence and shall be concluded without any unnecessary delay.

6.0 Procedures Prior to Expulsion Hearing

6.1 A right to a hearing to consider the expulsion of a pupil who has been recommended for expulsion exists as provided herein.

6.2 At least ten (10) calendar days prior to an expulsion hearing, the district shall serve its notice of expulsion hearing upon the student and deliver a copy to the Board of Trustees. The notice of expulsion hearing shall be, insofar as is practicable, in the primary language of the student's parent or guardian and shall contain the information set forth below.

6.2.1 A statement giving notice of the date and place of the expulsion hearing.

6.2.2 A statement, setting forth the specific facts and violations upon which the proposed expulsion is based.

6.2.3 A copy of the district rules and regulations related to the alleged action.

- 6.2.4 A statement that the student or parents/guardians may appear in person and may employ and be represented by legal counsel.
- 6.2.5 A statement that the student or parents/guardians have a right to inspect and obtain copies of all documents to be used by the district at the hearing.
- 6.2.6 A statement that the student or parents/guardians have a right to confront and question all witnesses who testify at the hearing as well as question all other evidence presented.
- 6.2.7 A statement that the student or parents/guardians have a right to present oral and documentary evidence, including witnesses.
- 6.2.8 A statement indicating that the hearing will be held in closed session unless the parent requests an open meeting, in writing, five (5) days in advance of the hearing. Regardless of whether or not the expulsion hearing is conducted in a closed or open session, the Board of Trustees will meet in closed session for the purpose of deliberating and determining whether or not the student should be expelled.
- 6.2.9 In a hearing in which a student is alleged to have committed or attempted to commit a sexual assault as specified in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900, a complaining witness shall be given five (5) days notice prior to being called to testify, and shall be entitled to have up to two (2) adult support persons, including, but not limited to, a parent, guardian or legal counsel present during their testimony. Prior to a complaining witness testifying, support persons shall be admonished that the hearing is confidential. Nothing in this subdivision shall preclude the person presiding over an expulsion hearing from removing a support person whom the presiding person finds is disrupting the hearing. If one or both of the support persons is also a witness, the provisions of Section 868.5 of the Penal Code shall be followed for the hearing.

- 7.0 Stipulated Expulsions
 - 7.1 A Stipulated Expulsion is voluntary.
 - 7.2 No district or site personnel may coerce a student, parent or guardian into entering into a Stipulated Expulsion.
 - 7.3 The school will immediately complete an expulsion packet as previously outlined in 4.2 of this policy.
 - 7.4 If the parents/guardians and student agree to a Stipulated Expulsion:
 - 7.4.1 The site administrator shall discuss the terms and conditions of the Stipulated Expulsion with the parents/guardians and student.
 - 7.4.2 The site administrator, parents/guardians and student shall meet with the Safe Schools Program Administrator and present him/her with the original expulsion packet.
 - 7.4.3 The Safe Schools Program Administrator will present the parents/guardians and student with the Stipulated Expulsion Agreement and Waiver of Appeal which includes the educational and rehabilitation plan.
 - 7.4.4 The Safe Schools Program Administrator shall present the completed Stipulated Expulsion Agreement and Waiver of Appeal to the Board of Trustees for consideration.
 - 7.5 If, at any time, the parents/guardians or student rescind their approval for a Stipulated Expulsion, or if the Board of Trustees rejects the Stipulated Expulsion, the regular expulsion proceedings and timelines, extended by the length of time used for the consideration of the Stipulated Expulsion, will be reinstated.

8.0 District Administrative Hearing Panel

The District Administrative Hearing Panel shall consist of three certificated personnel:

- 8.1 The Assistant Superintendent, Administrative Services or his/her designee
- 8.2 One district level administrator
- 8.3 One non-involved administrator from the same level as the school involved (senior high school or junior high school), when possible, to be selected by the superintendent or his/her designee

The District Administrative Hearing Panel shall conduct hearings to consider expulsion petitions. Following such hearings, the panel shall present findings of fact and recommendations to the Board of Trustees.

9.0 Expulsion Hearing Procedure

The procedure set forth in 9.0 and 10.0 of this policy shall govern the expulsion hearing. Where this procedure is silent, or good cause is shown, the person(s) conducting the hearing may apply other rules of adjudication.

- 9.1 The Assistant Superintendent, Administrative Services, or his/her designee shall conduct the hearing and rule on questions concerning evidence and procedure. Civility rules, as approved by the Board of Trustees, shall govern the conduct of expulsion and Board meetings (Board Policy 8700-R (IV)).

- 9.2 The hearing shall be closed to the public unless the parent/guardian has made a written request for a public hearing at least five (5) days prior to the hearing date. If such request is made, the hearing shall be public.
- 9.2.1 If the hearing is to be conducted at a public meeting, and there is a charge of committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public when testifying at a public meeting would threaten serious psychological harm to the complaining witness and 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 means of closed-circuit television.
- 9.3 A record of the hearing shall be made. The record may be maintained by any means, including electronic recording, so long as a reasonably accurate and complete written transcript of the proceedings can be made (Education Code Section 48918(g)).
- 9.4 The school has the burden of proving that:
- 9.4.1 The act(s) of misconduct alleged in the district's notice of expulsion hearing occurred,
- 9.4.2 the misconduct constitutes the commission of an act set forth in subsections (a), (b), (c), (d), and/or (e) of Education Code 48900, or
- 9.4.3 the misconduct constitutes the commission of an act set forth in subsections (f), (g),(h), (i), (j), (k), (l), (m), (n) (o), (p), (q) and/or (s) of Education Code 48900, Section 48900.2, Section 48900.3, Section 48900.4 or Section 48900.7 and other means of correction are not feasible or have repeatedly failed to bring about proper conduct or the presence of the student causes a continuing danger to the physical safety of the student or others.

- 9.5 Technical rules of evidence shall not apply to the hearing, but relevant 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 Board of Trustees to expel shall be supported by substantial evidence showing that the student committed any of the acts enumerated in Section 48900.
- 9.6 Hearsay evidence shall be admissible provided that no decision to expel a student shall be based solely on hearsay evidence.
- 9.7 The administrative panel may, upon a finding that good cause exists, determine that the disclosure of the identity of a witness and the testimony of that witness at the hearing would subject the witness to an unreasonable risk of 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 administrative panel. Copies of these 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 student/parents/guardians (Education Code Section 48918(e)).
- 9.8 The hearing shall be conducted in the English language. The proponent of any testimony to be offered by a witness who does not proficiently speak English shall provide an interpreter, approved by the person conducting the hearing, as proficient in English as well as the language in which the witness will testify. It shall be the responsibility of the party requesting the use of an interpreter to obtain approval of the interpreter from the person conducting the hearing at least 72 hours prior to the commencement of the hearing. If requested at least 72 hours prior to the commencement of the hearing, the district will provide an interpreter.
- 9.9 The student and the school each may be represented by counsel, call witnesses, introduce evidence, testify, be called to testify, and question adverse witnesses. The Administrative Hearing Panel Chairperson and the Board of Trustees may be represented by counsel.
- 9.10 Each witness shall give testimony under oath.
- 9.11 The hearing shall be completed within one (1) hour of the start of the hearing unless an extension is approved because of special circumstances by the Administrative Hearing Panel.

10.0 Presentation of Evidence

The hearing shall proceed in the following manner, unless the person(s) conducting the hearing, for good cause, directs otherwise.

10.1 The district's notice of expulsion hearing, and a copy of the student disciplinary history and other student data shall be made part of the record at the beginning of the expulsion hearing. The student may present any written information to the panel.

10.2 The school, then the student shall be given an opportunity to make an opening statement briefly summarizing their case, describing the evidence to be presented and how it supports their position.

10.3 The school may present witnesses and other evidence subject to examination by the student. The student may be called as a witness by the district.

10.4 The student may present witnesses and other evidence subject to examination by the school.

10.5 The school, then the student may offer rebuttal evidence.

10.6 The school, then the student may address the person(s) conducting the hearing regarding the manner in which the evidence admitted during the hearing supports their position.

10.7 The student then the school may make a closing statement.

11.0 Expulsion Decision

11.1 The Board of Trustees or its designee(s) shall prepare the following findings.

11.1.1 That the alleged act(s) or misconduct in the district's notice of expulsion hearing which support the charge(s) that the student committed an act set forth in 1.0, did or did not occur.

11.1.2 That the act(s) of misconduct which occurred constitute(s) the commission of an act set forth in 1.0 as charged.

- 11.2 If there is a finding on a charge that the student has committed an act as set forth in subsections (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q) and/or (s) of Education Code 48900, Section 48900.2, Section 48900.3 Section 48900.4, or Section 48900.7 a decision to expel requires that at least one of the following findings regarding the propriety of expulsion as a disciplinary measure be made:
- 11.2.1 Other means of correction are not feasible or have repeatedly failed to bring about proper conduct, or
 - 11.2.2 The presence of the student causes a continuing danger to the physical safety of the student or others.
- 11.3 All findings of fact must be supported by substantial evidence received at the hearing.
- 11.4 The person(s) conducting the hearing, if other than the Board of Trustees, shall, within three (3) school days following the hearing, submit their written findings and recommendation regarding expulsion to the Board of Trustees. The Board of Trustees shall consider the findings of fact and recommendation of the District Administrative Hearing Panel in closed session.
- 11.5 A decision of the Board of Trustees regarding expulsion shall be made within forty (40) schooldays after the date of the student's removal from his or her school of attendance for the incident for which the recommendation for expulsion is made by the principal or the superintendent, unless the parent/guardian requests, in writing, that the decision be postponed.
- 11.6 If the recommendation is not to expel, the expulsion proceeding shall be terminated and the student shall be immediately readmitted and permitted 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 of schools or the superintendent's designee after consultation with school district personnel. The student's teachers, parent or guardian or school personnel and resource staff may be consulted. The decision not to recommend expulsion shall be final.
- 11.7 If the recommendation is to expel, the Board of Trustees shall review the findings of fact and recommendation of the Administrative Hearing Panel and must either:

- 11.7.1 Accept the findings and recommendation and order the student expelled upon its review of the findings of fact and recommendation of the Administrative Hearing Panel, or
 - 11.7.2 reject the findings and recommendation and order no disciplinary action, or
 - 11.7.3 accept the findings concerning the commission of an act set forth in 1.0 of this policy, but impose a different disciplinary measure than expulsion or no discipline, or
 - 11.7.4 remand the matter for a supplementary hearing pursuant to these rules, if time permits.
- 11.8 Suspension of Expulsion Order
- 11.8.1 The Board of Trustees may suspend the enforcement of an expulsion decision for a period of not more than one (1) calendar year and may, as a condition of such suspended action, assign the student to a school, class, or program which is appropriate for the rehabilitation of the student, pursuant to Education Code Section 48917.
 - 11.8.2 A decision of the Board of Trustees 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 thirty (30) days of the original vote of the Board of Trustees (Education Code Section 48917).
 - 11.8.3 During the period of the suspension of the expulsion order, the student shall be deemed to be on probationary status. The suspension of an expulsion order under this section may be revoked by the Board of Trustees upon the student's commission of any of the acts enumerated in Education Code Section 48900 or for any violation of the district's rules and regulations governing student conduct.

- 11.8.4 A Local School Placement Conference will be held to review the incident and to allow the student and parent/guardian to present his/her version of the incident. If the student or the parent/guardian fails to attend this conference, the committee will consider the evidence and make a recommendation regarding the revocation of the expulsion order to the Board of Trustees.
- 11.8.5 Upon revocation of the suspension of an expulsion order by the Board of Trustees, a student may be expelled under the terms of the original expulsion order (Education Code Section 48917).
- 11.9 The decision of the Board of Trustees to expel must be supported by substantial evidence and must be based upon findings that:
- 11.9.1 The student committed an act set forth in subsections (a), (b), (c), (d), and/or (e) of Education Code 48900, or
- 11.9.2 the student committed an act set forth in subsections (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q) and/or (s) of Education Code Section 48900, Section 48900.2, Section 48900.3, Section 48900.4, or Section 48900.7 and that other means of correction are not feasible or have repeatedly failed to bring about proper conduct or that the presence of the student causes a continuing danger to the physical safety of the student or others.
- 11.10 Whether or not an expulsion hearing is conducted in closed or public session, the Board of Trustees may meet in closed session to determine if the student should be expelled, provided, the parent or guardian of the student, the student, the counsel of the student, and the counsel of the parent or guardian of the student shall be allowed to attend the closed session.
- 11.11 Whether or not a student expulsion hearing is conducted in closed or public session by the Board of Trustees or its designee, a final action to expel must be taken by the Board of Trustees at a public meeting.

- 11.12 Written notice of any decision to expel or to suspend the enforcement of an expulsion order during a period of probation shall be sent by the superintendent of schools or his or her designee to the student or the student's parent or guardian, and shall be accompanied by notice of the right to appeal the expulsion to the county Board of Education and of the obligation of the parent, guardian, or student under subdivision (b) of Section 48915.1, upon the student's enrollment in a new school district, to inform that district of the expulsion (Education Code Section 48918).
- 11.13 The written notice will describe the process for seeking readmittance to the Anaheim Union High School District.
- 11.14 An expulsion order shall remain in effect until the Board of Trustees, in the manner prescribed in this article, orders the readmission of a student. At the time an expulsion of a student is ordered, the Board of Trustees shall set a date not later than the last day of the semester following the semester in which the expulsion occurred or for a student who has been expelled pursuant to subdivision (c) of Section 48915 of the Education Code, the Board of Trustees shall set a date of one (1) year from the date the expulsion occurred when the student may apply for readmission to a school maintained by the district pursuant to the procedure set forth in Board Policy 8705.2, Student Readmission From Expulsion (Education Code Section 48916).
- 11.15 The Board of Trustees may recommend a plan of rehabilitation for the student, which may include, but not be limited to, periodic review as well as assessment at the time of application for admission. The plan may also include recommendations for counseling, employment, community service, or other rehabilitative programs (Education Code Section 48916).
- 11.16 The Board of Trustees may require a student who is expelled from school for reasons relating to controlled substances, as defined in Sections 11054 to 11058 inclusive of the Health and Safety Code, or alcohol, prior to returning to school to enroll in a county-supported drug rehabilitation program. No student shall be required to enroll in a rehabilitation program pursuant to this section without the consent of his or her parent or guardian (Education Code Section 48916.5).

11.17 The Board of Trustees shall maintain a record of each expulsion, including the cause therefore. Records of expulsions shall be a nonprivileged, disclosable public record. The expulsion order and the causes therefore shall be recorded in the student's mandatory interim record and shall be forwarded to any school in which the student subsequently enrolls upon receipt of a request from the admitting school for the student's school records.

11.18 It is the obligation of the parent, guardian, or student under subdivision (b) of Section 48915.1, upon the student's enrollment in a new school district, to inform that district of the student's expulsion.

12.0 Petition for Readmission

A student expelled for a period extending beyond the end of the semester following the semester during which the act(s) leading directly to the expulsion or transfer occurred, may petition to be readmitted to the regular instructional program as provided herein. The purpose of a readmission proceeding is to determine whether or not the student's readmission will adversely affect the regular instructional program.

12.1 Conditions for Readmission. Upon receipt of the expulsion order by the expelled student and parent/guardian, an appointment is set between a district official and the student and parent/guardian to discuss the rehabilitation plan which must be met in order for the student to be readmitted to the school district. This process assists the student and parent/guardian to focus on the behavior which led to an education placement during the period of expulsion.

The purpose of the rehabilitation plan meeting is to determine which activities will assist the student to regain the rights, privileges, and responsibilities of a student in the district and to find an educational placement for the expelled student. The terms and conditions for readmission are written on the Parental Notification of Expulsion Readmission (Board Policy 8705.02 Appendix I) and signed by the student, the parent/guardian and the district official.

For students expelled from other districts and moving into the Anaheim Union High school District, a rehabilitation plan is antecedent to any hearing regarding an expelled student's petition for admission (Education Code Section 48915.1).

13.0 Definitions:

13.1 "Day" means a calendar day unless otherwise specifically provided.

13.2 "Expulsion" means removal of a student from (1) the immediate supervision and control, or (2) the general supervision, of school personnel, as those terms are used in Education Code Section 46300.

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

13.4 "Pupil" or "Student" includes the pupil or student's parent or guardian or legal counsel.

Cross References:

Anaheim Union High School District Board Policy
 8700 Student Discipline
 8705.02 Student Readmission from Expulsion

Legal References:

Education Code
 212.5 Educational Equity
 233 Hate Violence Prevention Act
 46300 Average Daily Attendance
 48900 Suspension and Expulsion
 48900.2 Suspension for Sexual Harassment
 48900.3 Suspension for Hate Violence
 48900.4 Suspension and Expulsion (Harassment/Threats/
 Intimidation)
 48900.5 Suspension
 48900.6 Community Service
 48900.7 Suspension and Expulsion (Terroristic Threats)
 48911 Suspension Notifications
 48915 Reasons for Expulsion
 48915.1 Hearing, Students Expelled From Another District
 48915.5 Expulsion, Students With Exceptional Needs
 48916 Expulsion Order
 48916.5 Enrollment in Rehabilitation Program Before Return to
 School
 48917 Suspension of Expulsion; Rehabilitation Program
 48918 Expulsion

48919	Student Expulsion
56321	Development of IEP; Parental Notifications, Consent
56026	Special Education
56329	Written Notice to Parent
56340	Instructional Planning and Individualized Education Program
56365	Nonpublic, Nonsectarian School Services
56506	Due Process Rights

Health and Safety Code, Chapter 2, Subdivision 10

11014.5	California Uniform Controlled Substances Act
11053	Controlled Substances List
11054	Controlled Substances

Individuals with Disabilities Education Information Act of 2004 (IDEIA)

Code of Federal Regulations, Title 34

104.35	Evaluation and Placement
300.504	Procedural Safeguards Notice

United States Code, Title 20

1415	Procedural Safeguards
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Penal Code

240	Assault
242	Battery
243.4	Sexual Offenses
261	Rape
266	Prostitution
286	Sodomy
288	Lewd or Lascivious Acts, Child Under 14
289	Sexual Acts Against Persons Will
868.5	Support for Prosecuting Witness

Board of Trustees

October 14, 1982

Revised: July 12, 1990

Revised: July 16, 1992

Revised: July, 1993

Revised: August, 1995

Revised: October, 1998

Revised: December 2006

A

EXPULSION FLOW CHART

STUDENT MISCONDUCT
(History of problems/grave act)

SPECIAL EDUCATION STUDENT

CONVENE IEP TEAM

Membership: Administrator, special education teacher, psychologist, other specialists, parent/guardian

Determines at meeting:

If **ANY** of these conditions exist:

1. Direct and substantial relationship between misconduct and disability
2. Conduct was a direct result of district's failure to implement the IEP
3. Student inappropriately placed
4. Assessment not current

THEN

IEP Team determines student placement. Expulsion proceedings may not continue

If **NONE** of the above conditions exist:

THEN

Local School Placement Conference proceeds and a recommendation is given for appropriate discipline action

STUDENT WITH A DISABILITY

CONVENE LOCAL SCHOOL PLACEMENT CONFERENCE

Membership: Administrator, parent/guardian

Determines at meeting:

If **ALL** of these conditions exist:

1. No direct and substantial relationship between misconduct and disability
2. Student appropriately placed
3. Assessment current

THEN

Local School Placement Administrator determines appropriate discipline recommendation

- _____ 3.1 After contacting the Office of the Assistant Superintendent of Human Resources to extend the suspension, contact the Administrator, Safe Schools office and, if applicable, the Director of Special Youth Services, for completion of the proper paperwork and necessary timelines that must be followed.
- _____ 3.2 Prepare one packet of materials and include the following in each packet:
- _____ 3.2.1 Expulsion checklist with administrator's name
- _____ 3.2.2 Any student records to be used as evidence should be listed on a separate sheet of school letterhead with the following statement at the end of the list:
- "I certify that the above listed and attached materials are true and correct copies of official records of _____ High School.
- _____
(Signed) Custodian of Records
- _____ 3.2.3 Expulsion Cover Sheet
- _____ 3.2.4 Copy of LSPC recommendation letter to parent
- _____ 3.2.5 Copy of suspension and extension of suspension notice
- _____ 3.2.6 Chronological listing of student's misconduct and action taken (see Appendix IV)
- _____ 3.2.7 record of contact with other agencies, if any
- _____ 3.2.8 Copy of summary of Local School Placement Conference
- _____ 3.2.9 Copy of IEP, if applicable
- _____ 3.2.10 Copy of transcript, attendance record, and progress report
- _____ 3.2.11 Copy of Chemical Use/Weapon Violation Board Report, if applicable
- _____ 3.2.12 Copy of referral

- _____ 3.2.13 Photocopy of weapon, if applicable
- _____ 3.2.14 Copy of police incident report or number, if applicable
- _____ 3.2.15 Copy of statements
- _____ 3.2.16 Copy of intervention data
- _____ 3.2.17 Other relevant information
- _____ Hand deliver one packet to the Safe Schools office

4.0 District Expulsion Hearing

- _____ 4.1 Administrator of Safe Schools notifies parent/guardian and student by certified, return receipt requested letter of the date and time of the Administrative Hearing
 - _____ 4.1.1 Letter is mailed at least ten (10) days prior to the date of contemplated Board action
 - _____ 4.1.2 Letter includes specific charges and the rule, policy, or law violated
 - _____ 4.1.3 Letter advises parent/guardian and student of the opportunity to appear in person or be represented by counsel, present evidence and witnesses, and to cross examine witnesses
 - _____ 4.1.4 Copy of discipline policy is enclosed
 - _____ 4.1.5 A copy of the letter will be sent to the school for inclusion in the expulsion packet
- _____ 4.2 The principal or assistant principal will be expected to present charges at the expulsion hearing

EXPULSION COVER SHEET

CLICK AND ENTER DATA IN THE APPROPRIATE BOX

STUDENT'S NAME:	
SCHOOL:	
TODAY'S DATE:	
DATE OF INCIDENT:	
DATES OF SUSPENSION:	
EDUCATION CODE/S SECTION/S VIOLATED: (Enter complete number/s and content as stated in the California Education Code)	
PARENT/GUARDIAN:	
ADDRESS:	
TELEPHONE:	
PRINCIPAL:	
SCHOOL TELEPHONE:	
DATE:	
PRINCIPAL'S SIGNATURE:	

Rev. 7/04

Attach the original signed cover sheet to the expulsion packet and send by interoffice mail to Safe Schools (#72).

(USE SCHOOL LETTERHEAD)

EXAMPLE

Chronological list of events for JOHN DOE

<u>DATE</u>	<u>OFFENSE</u>	<u>ACTION TAKEN BY THE SCHOOL</u>
4/2/06	Defiance of teacher (Mrs. Smith)	Parent conference
4/5/06	Truant	Parent conference, detention 3 days
4/10/06	Defiance of teacher (Mrs. Brown)	Suspended one day
4/16/06	Fighting	Parent conference, suspended 1 day
4/25/06	Off campus	Parent notified, 3 days detention
4/27/06	Late to class	Counseled
4/28/06	Disrupted class	Referral

"I certify that the above listed and attached materials are true and correct copies of official records of _____ High School."

(Signed) _____ Custodian of Records

The administrator may also include or substitute a computer printout of DCP12 to obtain disciplinary history.

ACTION OF LOCAL SCHOOL PLACEMENT CONFERENCE

DATE

(Mr. and Mrs. Parent) and (Student)
(Address)
(City, State, and Zip Code)

Dear (Mr. and Mrs. Parent) and (Student's Name):

On (Date) , a Local School Placement Conference was held in (my) office to present the school's evidence and hear other evidence or statements from (Mr. and Mrs. Parent), and (Student) prior to my making a decision on whether or not to recommend (Student) to the Administrative Hearing Panel for expulsion.

Based upon the review of the school's evidence and considering the evidence and oral statements that (Mr. and Mrs. Parent) and (Student) presented at the suspension conference, I am officially informing you that it is my decision to recommend (Student) to the Administrative Hearing Panel for its review and action on my recommendation for (his/her) expulsion. I have discussed this with the Director of Human Resources and an authorization for an extended suspension will be issued by (him/her) because (Student's) presence at school during the period of the pending expulsion hearing and proceedings would be considered a threat to disrupting the instructional process. Although we have discussed the process for expulsion, you will be receiving a letter from the chairperson of the Administrative Hearing Panel informing you of your rights, the time, date, and location of the panel hearing.

In the meantime, (Student) is not allowed on (School Name) High School campus or any school campus of the Anaheim Union High School District. In addition, I remind you that (Student) has a right to receive (his/her) school work that can be reasonably provided by (his/her) teachers, while (s/he) is under suspension. Arrangements for receiving the assignments may be made through the (counseling) office. In lieu of home suspension, you may request participation in the Extended Suspension Program by calling the Community Day School at 999-7754.

If you have any questions regarding any of the contents of this letter, please feel free to call me at (Phone Number).

Sincerely,

(Principal's Name)
Principal

cc: Assistant Superintendent, Human Resources

ADMINISTRATIVE HEARING PROCEDURES

The Administrative Hearing Panel consists of three certificated members, none of whom shall be staff members of the school recommending the student's expulsion. This panel acts on behalf of the Board of Trustees and is the final hearing body in the Anaheim Union High School District. The procedural guidelines listed below are followed at the hearing.

1. The meeting is tape recorded in order to keep an accurate record of the proceedings. Copies of the tapes are available. Parents/student/attorney wishing to have a copy of the tapes must present to the chairperson the appropriate blank tapes. This reproduction takes approximately three to four days.
2. The school representative presents the school's information first. The student/parent/guardian, and/or their attorney are allowed to question the school representative and/or any witness the school may have present.
3. Following the school's presentation, the student/parent/guardian, and/or their attorney have an opportunity to present their information, and/or witnesses with the school representative allowed to question any information and/or witnesses presented.
4. After both sides present their information to the Administrative Hearing Panel, the panel then asks questions of both parties. (When witnesses are present, the Administrative Hearing Panel will question witnesses upon completion of each party's questioning of the witnesses.)
5. Each side is then given an opportunity, upon the conclusion of all questioning, to make a summary statement to the panel. The school will make its summary statement first, followed by the student/parent/guardian, and/or their attorney.
6. Although most Administrative Hearings last approximately thirty-five to forty-five minutes, a one (1) hour time limit shall govern the hearing unless the Administrative Hearing Panel approves an extension of time due to special circumstances.
7. Upon completion of the hearing, the Administrative Hearing Panel will go into deliberation for the finding of facts of the case. The finding of facts are then submitted in writing to both parties within five (5) school days of the completion of deliberations.

If there are any questions regarding these procedures, please feel free to call the Administrative Hearing Panel chairperson at 999-5654.

REHABILITATION PLAN AND PROCESS

1. The parent/guardian/student shall call the Safe Schools/ Student Transfers office (714) 999-2171 and shall request a rehabilitation plan conference.
2. The Superintendent or designee shall arrange a conference within thirty (30) calendar days of the request with the parent/guardian/ student, or other school personnel. At this conference, guidelines shall be set forth regarding readmittance requirements.
3. The Superintendent or designee shall recommend a plan of rehabilitation for the student which may include, but not be limited to, periodic review as well as assessment at the time of application for admission. The plan may also include recommendations for counseling, employment, education, community service, or other rehabilitation programs (Education Code Section 48916).
4. The designee shall review the readmission procedure and notify the student/parent or guardian of the student's readmission to a school other than the school where the expellable offense took place.
 - 4.1 The student may request readmission to the school where the expellable offense occurred after showing evidence to the school principal that the student's attendance, grades and citizenship have been satisfactory.
5. The Superintendent or designee shall assist the parents or guardians in preparing evidence for use in applying for reinstatement of the student to the Anaheim Union High School District. When the conditions of the reinstatement have been met, the designee shall:
 - 5.1 Assist the parent/guardian in writing a letter to the superintendent of the Anaheim Union High School District requesting reinstatement.
 - 5.2 Request a calendar date from the Administrative Hearing Panel chairperson, if needed, and present the case at the hearing.
6. When there is disagreement as to whether or not the reinstatement conditions have been fulfilled, the parent/guardian/student shall have the right to appeal to the Administrative Hearing Panel.

7. The Administrative Hearing Panel shall review the student's case and make its decision known to the Board of Trustees.
8. The chairperson of the Administrative Hearing Panel shall notify the parent/guardian/ student of the Administrative Hearing Panel's decision within two (2) school days after the date of the hearing. This shall be in writing and sent by certified mail with return receipt requested or personal delivery.
9. In cases where the Administrative Hearing Panel does not concur with the designee/parent's/guardian's/ student's request for reinstatement, this decision shall be reported to the Board of Trustees and to the parent/guardian/ student for their information.
10. The Board of Trustees shall act in a public meeting on cases submitted for reinstatement.
11. The parent/guardian/ student shall be notified of the Board of Trustees action by a letter from the chairperson of the Administrative Hearing Panel.
12. The school shall be informed of the student's reinstatement by the chairperson of the Administrative Hearing Panel.
13. The school shall record the effective date of reinstatement in the student's permanent and cumulative records.

Anaheim Union High School District

**STIPULATED EXPULSION AGREEMENT
and
WAIVER OF APPEAL**

("Student") (DOB:) is a student in the Anaheim Union High School District ("District") and is accused of violating Education Code Section 48900() and 48915()() while on High School Campus. The District has initiated an expulsion proceeding pursuant to Education Code Section 48918.

On day date, 2006, a Local School Placement Conference ("LSPC") was held with the family to review and discuss all relevant information regarding the accusations against Student. These accusations are based on the incident that occurred on narrative of offense. Upon review, the LSPC members recommended Student for expulsion. After review, , the Principal of High School recommended Student for expulsion for violation of Education Code Section 48900() and 48915()().

The expulsion proceeding is based on the following findings of fact. (1) On , Student was a th grade student enrolled at High School. (2) On , Student admittedly narrative of offense. (3) The District complied with statutory notice and other procedural requirements both prior to and after the suspension of Student on . (4) Other means of correction are not feasible; Other means of correction have repeatedly failed to bring about proper conduct; and/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.

Based on the above findings, the following conclusions can be made: (1) has committed an offense which is grounds for suspension or expulsion under Education Code Section 48900() and 48915()(); (2) that the suspension imposed by the principal was valid and lawful; and (3) that at all times following the suspension, the District afforded Student and Parent/Guardian due process of law.

Student and ("Parent/Guardian") agree to the Stipulated Expulsion and the terms and conditions outlined herein.

Parent/Guardian and Student agree with and admit the underlying facts leading to the District's recommendation for expulsion under Education Code 48900() and 48915()().

The Parent/Guardian, Student and the Superintendent/designee agree to submit a joint recommendation to the District's Board of Trustees for the Student as follows:

1. The terms of the Stipulated Expulsion Order will be Fall and Spring Semesters of the 2006-07 school year.
 - a. During the period of expulsion, Student will enroll at the District's Community Day School pending possible placement at either District's Community Day School or Orange County Department of Education's Alternative, Community and Correctional Education Schools and Services (ACCESS) program.
 - b. During the period of expulsion, Student will be on probation and will be expected to complete the terms of a rehabilitation plan as follows:
 - i. Student shall commit no offenses that would subject Student to suspension or expulsion under Education Code § 48900 *et seq* or any violation of school rules governing student conduct. In addition, Student shall not violate other laws.
 - ii. Student shall maintain satisfactory attendance and grades.
 - iii. Student shall participate in:
 - Community Service
 - Peer Court
 - Conflict Mediation
 - Straight Talk
 - Counseling
 - Other
 - iv. The above rehabilitation plan shall be at no cost to the District.
 - c. Student may apply for readmission to the District for the Fall 2007 Semester.
 - i. The authority to determine whether the Student has or has not complied with any requirements, terms and/or conditions related to the Stipulated Expulsion and completion of the Rehabilitation Plan shall be made by the Superintendent or designee.
 - ii. Student may submit written documentation to the Superintendent or designee in support of Student's readmission. The Student should describe Student's compliance with the Rehabilitation plan recommended at the time of the expulsion order. Failure to attend and participate in the review for readmission may be deemed a violation of the rehabilitation plan.

- d. For the Fall and Spring Semesters of the 2006-07 school year, Student will be on probationary status and must comply with all District rules and regulations as well as a behavior contract which will be drafted as part of Student's return to a comprehensive school campus pursuant to paragraph (1)(c).
 - e. After successfully completing the Fall and Spring Semesters of the 2006-07 school year, and meeting the terms of the behavior contract, Student may petition the District's Readmissions Officer for reinstatement at a school other than High School.
2. Parent/Guardian and Student have received and carefully reviewed all the charges and relevant documents regarding Student's proposed expulsion (LSPC meeting) and have had an opportunity to discuss and review the charges with District officials (date): _____ and a representative of their choice, and fully understand the charges and the meaning of the consequences of an expulsion order.
 3. Parent/Guardian and Student have been informed of and understand their rights to a due-process hearing to contest the expulsion. Parent/Guardian and Student understand that the purpose and function of the expulsion hearing would be to decide if the charges have been substantiated, whether they constitute grounds for expulsion, and whether the Student should be expelled.
 4. Parent/Guardian and Student relinquish their right to contest the expulsion recommendation and make a knowing and voluntary waiver of the following rights: (1) To have an expulsion hearing and all notice and timelines required by law; (2) To question all witnesses and evidence; (3) To present witnesses and other evidence; (4) To inspect and obtain copies of documents related to the expulsion.
 5. After careful consideration and having consulted with their chosen representative, the Parent/Guardian, Student, and Superintendent/designee stipulate to the expulsion and will jointly present their recommendation to the Board of Trustees for approval of the Stipulated Expulsion. Further, the Parent/Guardian and the Student waive their right to appeal the decision of the Board of Trustees to the Orange County Department of Education.
 6. By signing below, Parent/Guardian and Student affirm that they have done the following: (1) carefully read this entire Stipulated Expulsion Agreement and Waiver of Appeal; (2) reviewed this document with their chosen representative; and (3) agree with the contents of this document.

STUDENT EXPULSION

8705.01R
APPENDIX VIII

7. Parent/Guardian, Student, and Superintendent/designee understand that final approval of the Stipulated Expulsion and content of the Rehabilitation Plan shall be within the discretion of the District's Board of Trustees which shall not be obligated to accept this joint recommendation. Should the Board of Trustees not approve the Stipulated Expulsion as outlined herein, Parent/Guardian and Student maintain all due-process rights afforded under Education Code Section 48919 *et seq.*

WE HAVE READ AND UNDERSTAND THIS ENTIRE AGREEMENT AND ITS TERMS AND CONDITIONS. WE ENTER THIS AGREEMENT KNOWINGLY AND VOLUNTARILY.

Parent/Guardian Date

Parent/Guardian Date

Student Date

Superintendent or Designee Date
Anaheim Union High School District