

# **High School Districts**

## **Plans for Expelled Students**

# **Campbell Union High School District**

## **Plan for Expelled Students**

A PLAN BETWEEN THE  
CAMPBELL UNION HIGH SCHOOL DISTRICT  
AND THE  
SANTA CLARA COUNTY OFFICE OF EDUCATION  
FOR THE IMPLEMENTATION OF  
EDUCATION CODES 48916.1 AND 48926  
A PLAN TO PROVIDE EDUCATIONAL SERVICES TO EXPELLED  
STUDENTS

Developed by the Campbell Union High School District  
And the  
Santa Clara County Office of Education  
Spring, 1997

Approved by Campbell Union High School District  
Board of Trustees – April 24, 1997

## Introduction

Recent legislation mandates a county-wide plan that identifies the educational placement for all expelled students.

The provisions of Education Code 48916.1, effective July 1, 1996, requires that a governing board refer students who are expelled pursuant to subdivisions (b) and (e) of Section 48915, to a program that:

1. Can appropriately accommodate students who exhibit discipline problems;
2. Is not provided at a comprehensive middle, junior, or senior high school; and
3. Is not housed at the school site attended by the student at the time of the expulsion.

The education code requires superintendents of the school districts within the county in conjunction with the county superintendent, to develop a plan for providing educational services to all expelled students. According to Education Code Section 48926, the plan must:

1. Identify exiting educational alternatives for expelled students;
2. Identify gaps in educational services to expelled students and strategies for filling those service gaps;
3. Identify alternative placements for students who are expelled and placed in district community day schools, but who fail to meet the terms and conditions of their rehabilitation plan or who pose a continuing danger to school safety as determined by the governing board.

Finally, Education Code Section 48916.1 requires the county board of education and the governing board of each school district within the county to: (1) adopt the plan; (2) submit the plan to the State Superintendent of Public Instruction by June 30, 1997; and (3) submit an update to the plan, including the outcome data required by Section 48916.1, every three years thereafter.

## **CAMPBELL UNION HIGH SCHOOL DISTRICT PLAN FOR EXPELLED YOUTH**

Educational programs within Santa Clara County provide opportunities for students who are in need of traditional and/or alternative educational programs. Individual school districts offer a broad spectrum of services and the county Office of Education offers additional options. The Campbell Union High School District will refer expelled students to its own Camden Community Day School as well as to the Santa Clara County Office of Education for a continuum of educational options available through both Community School programs.

A student whose behavior has resulted in expulsion is given a rehabilitation plan that is designed by the district. This plan may involve one or more of the options outlined. A student who is simply in need of the educational alternative may also access these programs through a district and/or county referral process.

Camden Community Day School, in the Campbell Union High School District, offers daily educational programs that meet for 360 minutes per day in a community day school setting. It also offers those programs for special education students and English language learners.

The Santa Clara County Office of Education Court and Community School program offers the following options for expelled youth:

1. Daily educational programs that meet from 240-360 minutes per day in community school classrooms;
2. Contracted study program (IS) that require students to complete a minimum of 20 hours of educational product.

They also offer programs for homeless youth and for teen parents.

The Campbell Union High School District refers most of its students to the Foundry and Calero community school sites.

# **East Side Union High School District**

## **Plan for Expelled Students**

School districts located within Santa Clara County offer the following options for expelled youth depending on the specific offense and Education Code violation:

- 1) suspended expulsion with placement on a different comprehensive high school campus within the District;
- 2) suspended expulsion with placement at an on site alternative program located at a different comprehensive high school, locations: Apollo, Pegasus, Phoenix;
- 3) suspended expulsion with placement at the District's off site continuation school, Foothill, with possible Central County Occupational Center attendance;
- 4) suspended expulsion with placement on District Contracted Study (Independent Studies option), if the parent agrees and possible Central County Occupational Center attendance;
- 5) suspended expulsion with placement in one of the following locations (if out of school 45 days or more): Foothill, Center for Training and Careers, and possible Central County Occupational Center attendance, if appropriate
- 6) expulsion with District release to a County Community Day School program through the duration of the expulsion period

Recommendations for expelled students and placement are made to the East Side Union High School District Board of Trustees from the three-member Expulsion Hearing Committee. The recommendations take into account the following factors:

- age of the student
- the student's academic and attendance effort
- the student's discipline history
- efforts of the student's high school staff to provide interventions and remedies
- educational strengths and needs of the student
- counseling and support needs of the student, and
- active involvement and participation of parent(s)/guardian(s) in the rehabilitation program of their student

Actual expulsion decision and placement decisions are made by the East Side Union High School District Board of Trustees based on the California Education Code.

#### Best practices

All students going through the expulsion process are afforded "Due Process" in compliance with the California Education Code. We are careful to ensure that East Side's expulsion hearing committee is reflective of the student's ethnic background. All parents are also provided translation services if needed. Students are referred to a county community school pending the expulsion proceedings so they do not lose valuable class time.

## COUNTY AND DISTRICT GAPS AND STRATEGIES IN EDUCATION SERVICES

There are three major gaps that exist in respect to providing educational services to expelled pupils. Following each gap is the County/District strategy for addressing these gaps.

1. It is possible under Education Code section 48916.1 (a) that a student would not be expelled. As an example, a student who has been expelled from the District under Education Code 48915 and referred to a County operated Community School program could commit another Education Code section 48915 violation and ultimately be referred back to the original district.

County / District Strategy for Addressing This Gap:

- Students who have failed their placement in County Community Day School will be referred to another County Community Day School.
2. Students who have failed their placement in Community Day School may be referred to another County operated Community School. So few students are expelled that having a special class or program for such students located in our district is not financially or geographically possible should the student fail the program or commit another expellable offense during the course of a school year.

County / District Strategy for Addressing This Gap:

- The Santa Clara County Office of Education will continue to provide educational services to those eligible students placed or referred to the Court and Community Day School program.
  - District will continue to use existing educational strategies and programs to meet the needs of expelled students.
3. Meeting the needs of expelled students placed in a Community Day School who fail to meet the terms or conditions of their rehabilitation plan or who pose a danger to other district pupils:
    - a) The East Side Union High School District continues to maintain responsibility for developing a rehabilitation plan for the student, referring the student to an appropriate educational setting, and ensuring that an educational program is provided either within or outside the school district.
    - b) Expelled students who fail to meet the terms and conditions of the District rehabilitation plan may be referred to a different district school, another District program or the Santa Clara County Office of Education Community School system. Expelled students referred to a Community School will be provided an Individual Learning Plan developed in consultation with the student, the student's family and the Community School staff. Part of this plan may include a goal of returning the student to the East Side Union High School District after the District expulsion term. If the student fails the County-operated program, the student will be referred back to the District for possible review and re-assignment.

# **Fremont Union High School District**

## **Plan for Expelled Students**

**A PLAN BETWEEN THE  
SANTA CLARA COUNTY OFFICE  
OF EDUCATION  
AND THE  
FREMONT UNION HIGH SCHOOL  
DISTRICT  
FOR THE IMPLEMENTATION OF  
EDUCATION CODES  
48916.1 AND 48926**

MAY 10, 2012

## **INTRODUCTION PAGE**

Educational programs within Santa Clara County provide numerous opportunities for students who are in need of traditional and/or alternative education programs. While individual school districts offer a broad spectrum of service and the County Office of Education offers additional options, this combination provides a continuum of alternatives to expelled students.

A student whose behavior has resulted in expulsion is given a rehabilitation plan that is designed by the district of residence. This plan may involve one or more of the options outlined. A student who is simply in need of an educational alternative may also access these programs through a District and/or County referral process.

**Santa Clara COE/Fremont UHSD  
Plan for Expelled Youth**

**Education Code Section 48916.1**

(a) At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion, but only to the extent funds are appropriated for this purpose in the annual Budget Act or other legislation, or both.

**Education Code Section 48926**

Each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of the school districts within the county, shall develop a plan for providing education services to all expelled pupils in that county. The plan shall be adopted by the governing board of each school district within the county and by the county board of education.

The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those service gaps. The plan shall also identify alternative placements for pupils who are expelled and placed in district community day school programs, but who fail to meet the terms and conditions of their rehabilitation plan or who pose a danger to other district pupils, as determined by the governing board.

Each county superintendent of schools, in conjunction with the superintendents of the school district, shall submit to the Superintendent of Public Instruction the county plan for providing educational services to all expelled pupils in the county no later than June 30, 1997, and shall submit a triennial update to the plan to the Superintendent of Public Instruction, including the outcome data pursuant to Section 48916.1, on June 30 thereafter.

## COUNTY OFFICE OF EDUCATION OVERVIEW

The Santa Clara County Office of Education will continue to provide an educational option for expelled students. This program is one that fits in the continuum of educational care as outlined. The philosophy of each individual school district affects how the Santa Clara County Office of Education Community School Program will meet needs of that particular school district. Some school districts use the Santa Clara County program as an educational option for those students expelled under a district ‘no-tolerance’ policy, while other use this program as a student assistance or placement alternative. The Community School Program is a permissive educational program that provides the local school districts with another educational option for their expelled youth.

### **County Existing Educational Alternatives for Expelled Youth**

FUHSD utilizes the following County options for expelled youth:

1. Specific “non-restrictive” sites:
  - The Foundry/Sunol Site
  - Terra Bella
2. Partnership programs:
  - Santa Clara Community School (Santa Clara)

## **Fremont Union High School District Overview**

### Existing Educational Alternatives for Expelled Youth

The Fremont Union High School District offers the following options for expelled youth, depending on the specific offense and Education Code violation:

1. Suspended expulsion with placement on the same school campus
2. Suspended expulsion with placement on different school campus within the District
3. Suspended expulsion with placement in New Start (independent study program with parental consent)
4. Expulsion with placement in the District Community Day School program
5. Expulsion with referral to the Santa Clara County Office of Education Alternative Programs.
6. Placement in another public school district, with the consent of the receiving school district

Referral to such a placement may be made by the Board of Trustees, with placement in a Fremont Union High School District program made by the Placement Advisory Committee (PAC).

**COUNTY AND DISTRICT GAPS AND STRATEGIES IN  
EDUCATIONAL SERVICES**

As identified by the local committee, which drafted this plan, there are seven major gaps that exist in respect to providing educational services to expelled pupils. Some of these issues are applicable to Fremont Union High School District; other are specifically included for elementary and/or smaller school districts. Following each gap is the County/District strategy for addressing these gaps as identified by the local committee.

1. It is possible under Education Code 48916.1 a. that a student would not be expelled.

As an example, a student who has been expelled from the District under Education Code 48915 and referred to either a district Community Day School or a County operated Community School Program could commit another violation of Education Code 48915 and ultimately be referred back to the original District.

**County/District strategy for addressing this gap:**

- Districts who have developed a district Community Day School will have the option to refer appropriate students to this program (if funded).

2. Students who have failed their placement in district Community Day Schools may be referred to other district programs or to a county operated Community School. If the student fails the program or commits another expulsion type offense, there may not be any viable alternatives remaining.

**County/District strategy for addressing this gap:**

- The County Office of Education will continue to provide educational services to those eligible students placed or referred to the SCCOE Alternative Education programs.
- Districts will continue to use existing educational strategies and programs to meet the needs of expelled students.

3. It is extremely hard for FUHSD students to attend any of the other County programs, other than Terra Bella, due to the distance. If a student is unsuccessful at our Community School and can't get to Sunol, they are in a tough position.

**District strategy for addressing this gap:**

- Work with local school districts to share students who need a 'fresh placement'.

**COUNTY AND DISTRICT ALTERNATIVE PLACEMENTS**

*(For those expelled students who have been placed in a district community day school but who fail to meet the terms or conditions of their rehabilitation plan or who pose a danger to other district pupils)*

### **Step I**

The school district of residence continues to maintain responsibility for developing a rehabilitation plan for the student referring the student to an appropriate educational setting, and ensuring that an educational program is provided either within or outside the school district.

### **Step II**

Expelled students who fail to meet the terms and conditions of the district rehabilitation plan may be referred to a different district school, another district program, a district Community Day School Program (if funded), or the Santa Clara County Office of Education Community School Program.

Expelled students who are referred to a Santa Clara County Office of Education Alternative Education programs, which are permissive programs, will have an Individual Learning Plan developed with the students' parents and COE staff. Part of this plan may include a goal of returning to the school district of residence after the district expulsion term. If students fail the County-operated program, they are referred back to the district for a possible review and re-placement.

# **Los Gatos-Saratoga Joint Union High School District**

## **Plan for Expelled Students**

A PLAN BETWEEN

THE LOS GATOS SARATOGA UNION HIGH SCHOOL DISTRICT

AND

THE SANTA CLARA COUNTY OFFICE OF EDUCATION

FOR

THE IMPLEMENTATION OF

EDUCATION CODES 48916.1 AND 48926

JUNE 1, 2012

## INTRODUCTION

### THE LOS GATOS SARATOGA UNION HIGH SCHOOL DISTRICT

#### ALTERNATIVE EDUCATIONAL SETTING

##### PLAN FOR EXPELLED YOUTH

Educational programs within Santa Clara County provide opportunities for students who are in need of traditional and/or alternative educational programs. Individual school districts offer a broad spectrum of service and the County Office of Education offers additional options. This combination provides a continuum of alternatives to expelled students.

A student whose behavior has resulted in expulsion is given a rehabilitation plan that is designed by the district of residence. This plan may involve one or more of the options outlined. A student who is simply in need of an educational alternative may also access these programs through a District and/or County referral process.

##### COUNTY OFFICE OF EDUCATION OVERVIEW

The Santa Clara County Office of Education will continue to provide an educational option for expelled students. This program is one that fits the continuum of educational care as outlined. The philosophy of each individual school district affects how the Santa Clara County Office of Education Community School program will meet the needs of that particular school district. The Los Gatos-Saratoga Joint Union High School district will use the Santa Clara County program as an educational option for those students expelled under a district “no-tolerance” policy, while others use this program as a student assistance or placement alternative. The Community School is a permissive educational program that provides the local school districts with another educational option for their expelled youth.

##### COUNTY EXISTING EDUCATIONAL ALTERNATIVES FOR EXPELLED YOUTH

The Santa Clara County Office of Education Court and Community School/Day Center program offers the following options for expelled youth:

- 1) daily educational programs that meet for 240-300 minutes per day in community classrooms;
- 2) contracted study programs that require students to complete a minimum of 20 hours of educational product and a minimum of 10 hours of in-class assignments;
- 3) contracted study programs (IS) that require students to complete a minimum of 20 hours of educational product.
- 4) homeless
- 5) teen parent program

6) special site names (examples)

Ridgemont Community School  
Calero Community School  
Foundry Community School  
Santa Clara Community School  
Stonegate Community School  
South County Community School  
Terra Bella Academy

DISTRICT EXISTING EDUCATION ALTERNATIVES FOR EXPELLED YOUTH

Los Gatos-Saratoga Joint Union High School District offers the following options for expelled youth, depending on the specific offense and Education code violation:

- 1) suspended expulsion with placement on the same school campus;
- 2) suspended expulsion with placement on a different school campus within the District;
- 3) suspended expulsion with placement on a neighboring school District campus;
- 4) suspended expulsion with placement on District Contracted Study (Independent Studies), if the parent agrees;
- 5) expulsion with referral to a District Community Day School program; or
- 6) expulsion with referral to the Santa Clara County Office of Education Court and Community School/Day Center Program.

Actual referral to any placement is made by the Los Gatos Saratoga Union High School District Governing Board.

## LOS GATOS-SARATOGA JOINT UNION HIGH SCHOOL DISTRICT OVERVIEW

### COUNTY AND DISTRICT GAPS AND STRATEGIES IN EDUCATIONAL SERVICES

There are major gaps that exist in respect to providing educational services to expelled pupils. Following each gap is the County/District strategy for addressing these gaps.

1. It is possible under education Code 48916.1(a) that a student would not be expelled. As an example, a student who has been expelled from the District under Education Code §48915 and referred to either a district Community Day School or a County operated Community School program could commit another violation of Education Code §48915 and ultimately be referred back to the original District.

District strategy for addressing this gap:

- Alternative or continuation options will be made available.
2. Students who have failed their placement in district Community Day Schools may be referred to other district programs or to a county operated Community School. If the student fails the program or commits another expulsion type offense, there may not be any viable alternatives remaining.

County/District strategy for addressing this gap:

- The Santa Clara County Office of Education will continue to provide educational services to those eligible students placed or referred to the Court and Community School/Day Center program.
  - Districts will continue to use existing educational strategies and programs to meet the needs of expelled students.
3. Small school districts within Santa Clara County generally expel very few students during the school year; so few students are expelled that having a special class or program for such students, located in each district, is not financially or geographically possible.

County/District strategy for addressing this gap:

- A regional program may be developed to reflect geographical or limited numbers.
4. Students, who are expelled by individual small school districts, and by the combined small school districts within Santa Clara County, vary as to age, grade level, and expulsion offenses. The wide range of age, grade level, and seriousness of offense make it difficult to provide appropriate programs for this district.

County/District strategy for addressing this gap:

- A regional program may be developed to reflect geographical or limited numbers.

5. There are significant geographical distances between local small districts, thus district or county operated classroom sites/programs for small school district would require either extensive busing, which is not financially feasible for the county, or parent provided transportation, which is often impossible for the parents.

County/District strategy for addressing this gap:

- A regional program may be developed to reflect geographical or limited numbers.

6. The district Community Day School option for expelled students, as described in current California Education Code, is difficult for the local districts to develop due to the following reasons:

- a) the six (6) hour, or 360 minute day exceeds the required hours for a minimum school day (240 minutes), the required hours for a continuation school day (15 hours per week), and the required hours for student enrolled in the various elementary school programs, and the current 300 minutes used by the Santa Clara County operated Community School program;
- b) access to the additional funding is restricted by having the student complete six hours of hour-by-hour attendance accounting in order for the district to receive the additional funding, and requiring additional attendance bookkeeping and record keeping;
- c) the Community Day School program limits the available instructional strategies which can be used, such as contracted study, which limits the program flexibility required for success;
- e) inability to locate on a comprehensive site is a further complication.

County/District strategy for addressing this gap:

- Develop a Student Study Team to analyze student needs and suggest alternatives; i.e. County operated Community Schools.

## COUNTY AND DISTRICT ALTERNATIVE PLACEMENTS

(For those expelled students who have been placed in a district community day school but who fail to meet the terms or conditions of their rehabilitation plan or who pose a danger to other district pupils)

### STEP I

The School district of residence continues to maintain responsibility for developing a rehabilitation plan for the student, referring the student to an appropriate educational setting, and ensuring that an educational program is provided either within or outside the school district.

### STEP II

Expelled students who fail to meet the terms and conditions of the district rehabilitation plan may be referred to a different district school, another district program, a district Community Day School Program (if funded), or the Santa Clara County Office of Education Community School.

Expelled students who are referred to Santa Clara County Office of Education Community School will have an Individual Learning Plan will be developed with the students' parents and COE staff. Part of this plan may include a goal of returning to the school district or residence after the district expulsion term. If students fail in the County-operated program, they are referred back to the district for re-admission consideration and placement.

LOS GATOS SARATOGA UNION HIGH SCHOOL DISTRICT AND THE  
SANTA CLARA COUNTY OFFICE OF EDUCATION  
PLAN FOR EXPELLED YOUTH:

EDUCATION CODE § 48916.1

a) At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion, but only to the extent funds are appropriated for this purpose in the annual Budget Act or other legislation, or both.

EDUCATION CODE § 48926

Each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendent of the school districts within the county, shall develop a plan for providing education services to all expelled pupils in that county. The plan shall be adopted by the governing board of each school district within the county and by the county board of education.

The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those service gaps. The plan shall also identify alternative placements for pupils who are expelled and placed in district community day school programs, but who fail to meet the terms and conditions of their rehabilitation plan or who pose a danger to other district pupils, as determined by the governing board.

Each county superintendent of schools, in conjunction with the superintendents of school districts, shall submit to the Superintendent of Public Instruction the county plan for providing educational services to all expelled pupils in the county no later than June 30, 2012, and shall submit a triennial update to the plan to the Superintendent of Public Instruction, including the outcome data pursuant to Section 48916.1, on June 30<sup>th</sup> thereafter.

# **Mountain View-Los Altos Union High School District**

## **Plan for Expelled Students**

**Board Policy**  
**Suspension and Expulsion/Due Process**

**BP 5144.1**  
**Students**

The Board recognizes that maintaining an environment which promotes learning and protects the health, safety, and welfare of all students may require the suspension or expulsion of a student from regular classroom instruction. District policies and school site rules shall clearly identify district behavior standards.

(cf. 5144 - Discipline)

Except in cases where suspension for a first offense is warranted in accordance with law, suspension shall be imposed only when other means of correction fail to bring about proper conduct. (Education Code 48900.5)

Expulsion is an action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion is usually used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to other students. (Education Code 48915)

The grounds for suspension and expulsion and the procedures for considering, recommending and/or implementing suspension and expulsion shall be specified in administrative regulation.

Each principal shall annually inform all students and parents/guardians of the school's discipline rules and procedures and of the availability of all district policies and regulations dealing with student discipline, suspension and expulsion. (Education Code 35291, 35291.5)

(cf. 5145.6 - Parental Notifications)

Suspended or expelled students shall be excluded from all school-related extracurricular activities during the period of suspension or expulsion.

**Zero Tolerance**

The Board takes a zero tolerance approach to serious offenses. This approach makes the removal of potentially dangerous students from the classroom a top priority. It ensures fair and equal treatment of all students. Staff shall immediately report to the Superintendent any occurrence of an offense specified in law, Board policy or administrative regulation as cause for suspension or expulsion.

The Superintendent shall notify staff, students and parents/guardians about the district's zero tolerance policy and the consequences which may result from student offenses. He/she shall also ensure enforcement of this policy.

## Student Due Process

The Board shall provide for the fair treatment of students facing suspension and expulsion by affording them due process rights under the law. The administration and staff shall comply with procedures for notices and appeals as specified in regulation. Procedures governing student due process shall conform in all aspects to provisions in law. (Education Codes 48911, 48915 and 48915.5)

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

(cf. 3514 - Safety)

(cf. 5119 - Students Expelled from Other Districts)

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

## Decision not to Enforce Expulsion Order

In cases where expulsion is mandatory pursuant to Education Code 48915(c), the enforcement of an expulsion order shall not be suspended by the Board. In all other cases of expulsion, the order for expulsion may be suspended by the Board, on case-by-case basis, pursuant to the requirements of law.

## Legal Reference:

### EDUCATION CODE

212.5 Sexual harassment

233 Hate violence reduction

1981 Enrollment of students

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35146 Closed sessions (re suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48660-48666 Community day schools

48900-48926 Suspension and expulsion

48950 Speech and other communication

49073-49079 Privacy of student records

### CIVIL CODE

47 Privileged communication

48.8 Defamation liability

### CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

### GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act (re closed sessions)

### HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

### LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

#### PENAL CODE

31 Principal defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery fines

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razors or stun guns

868.5 Supporting person; attendance during testimony of witness

#### WELFARE AND INSTITUTIONS CODE

729.6 Counseling

#### UNITED STATES CODE, TITLE 18

921 Definitions

#### UNITED STATES CODE, TITLE 20

7151 Gun free schools

#### COURT DECISIONS

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H., (2001) 85 Cal.App.4th 1321

Garcia v. Los Angeles Board of Education (1991) 123 Cal.App.3d 807

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301, 308

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

#### ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 146 (2001)

80 Ops.Cal.Atty.Gen. 347 (1997)

80 Ops.Cal.Atty.Gen. 91 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

#### Management Resources:

##### CDE PROGRAM ADVISORIES

0306.96 Expulsion Policies and Educational Placements, SPB 95/96-04

##### WEB SITES

CDE: <http://www.cde.ca.gov>

CSBA: <http://www.csba.org>

adopted: October 23, 1995 Mountain View, California  
revised: August 25, 1997  
revised: May 11, 1998  
revised: October 14, 2002

**Mountain View-Los Altos Union HSD  
Administrative Regulation  
Suspension And Expulsion/Due Process**

AR 5144.1  
**Students**

Definitions

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

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

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

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

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

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

Notice of Regulations

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

(cf. 5144 - Discipline)

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

(cf. 5145.6 - Parental Notifications)

#### Grounds for Suspension and Expulsion

Students may be subject to suspension or expulsion for committing any of the acts listed below. Except in cases where suspension for a first offense is warranted in accordance with law, suspension or expulsion shall be imposed only when other means of correction have failed to bring about proper conduct.

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. (Education Code 48900(a))
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's concurrence. (Education Code 48900(b))

(cf. 5131.7 - Weapons and Dangerous Instruments)

3. Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of any controlled substance as defined in the Health and Safety Code 11053 et seq., alcoholic beverage, or intoxicant of any kind. (Education Code 48900(c))

(cf. 5131.6 - Alcohol and Other Drugs)

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053 et seq., alcoholic beverage or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance or material and represented same as controlled substance, alcohol beverage or intoxicant. (Education Code 48900(d))
5. Committed or attempted to commit robbery or extortion. (Education Code 48900(e))
6. Caused or attempted to cause damage to school property or private property. (Education Code 48900(f))
7. Stole or attempted to steal school property or private property. (Education Code 48900(g))
8. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products. (Education Code 48900(h))

9. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900(i))
10. Unlawfully possessed, or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code. (Education Code 48900(j))
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))
12. Knowingly received stolen school property or private property. (Education Code 48900(l))
13. Possessed an imitation firearm, i.e. a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm (Education Code 48900(m))
14. Committed sexual harassment as defined in Education Code 212.5, or Board Policy (Education Code 48900.2)  
  
(cf. 5145.7 - Sexual Harassment)
15. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 33032.5. (Education Code 48900.3)
16. Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual or reasonably expected effect of materially disrupting classwork, creating substantial disorder, or invading student rights by creating an intimidating or hostile educational environment. (Education Code 48900.4)
17. Engaged in, or attempted to engage in, hazing as defined in Education Code 48900(q). (Education Code 48900(q))
18. 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 (Education Code 48900(o))
19. Made threats against school officials and/or school property (Education Code 48900.7)

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

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

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

(cf. 5113 - Absences and Excuses)

#### Suspension from Class by a Teacher/Parental Attendance

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

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

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

A suspended student shall not be returned to class during the period of suspension without the approval of the teacher of the class and the principal. (Education Code 48910)

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

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

#### Suspension by Superintendent or Principal

The Superintendent or principal may suspend a student from a school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)

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

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's concurrence
2. Brandishing a knife, as defined in Education Code 48915(g), at another person
3. Selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #17 under "Grounds for Suspension and Expulsion" above.

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

Repeated violations involving harassment, hate crimes, or intimidation, where the inappropriate conduct has not ceased after repeated warnings or interventions, require the principal to request an expulsion hearing with the Board. (See items 14, 15, 16, 17, and 18 under "Grounds for Suspension and Expulsion".)

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

### 1. Informal Conference

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

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

### 2. Administrative Actions

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

A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent.

### 3. Notice to Parents/Guardians

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

This notice shall state the reasons for suspension and the date and time when the student may return to school. Should school officials wish to ask the parent/guardian to confer regarding matters pertinent to

the suspension, the notice may also add that state law requires the parent/guardian to respond to such requests without delay.

#### 4. Parent/Guardian Conference

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

While the parent/guardian is required to respond without delay to a request for a conference about a student's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such conference. The student may not be denied readmission solely because the parent/guardian failed to attend. (Education Code 48911)

#### 5. Extension of Suspension

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

When consideration is given to the possible extension of a suspension, the student and his/her parents/guardians must be so informed during the conference that is held at the time when the student is suspended. Only the Superintendent may extend a suspension until the time of a scheduled expulsion hearing. Such an extension will be issued only in cases where the principal has reason to believe that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911) Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the students an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension.

#### Suspension by the Board

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and expulsion" above and within the limits specified in "Suspension by Superintendent or Principal" above. (Education Code 48912)

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

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it may hold closed sessions if a public hearing would lead to disclosure of information which would violate a student's right to privacy under Education Code 49073 et seq.

The Board shall provide the student with written notice of the closed session by certified mail. Upon receiving this notice, the student may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that

conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 48912, 35146)

#### Authority to Expel

A student may be expelled only by the 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 panel, based on finding either or both of the following: (Education Code 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.

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

#### Mandatory Recommendation for Expulsion

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

1. Causing serious physical injury to another person, except in self-defense.
2. Possession of any knife as defined in Education Code 48915(g), explosive or other dangerous object of no reasonable use to the student.

(cf. 5131.7 - Weapons and Dangerous Instruments)

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 ounce of marijuana, other than concentrated cannabis.
4. Robbery or extortion.
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee.

#### Mandatory Recommendation and Mandatory Expulsion

The principal or Superintendent shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code 48915 (c))

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. Brandishing a knife as defined in Education Code 48915(g) at another person.
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058.
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in Item #17 under "Grounds for Suspension and Expulsion" above.

Upon finding that the student committed any of these acts, the Board shall expel the student.

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

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

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

If the Board finds it impractical to comply with these time requirements for conducting an expulsion hearing, the Superintendent may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a)).

#### Rights of Complaining Witness

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental or emotional needs of a student who is the complaining witness. (Education Code 48918.5)

Whenever the Superintendent recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to all the following: (Education Code 48918.5)

1. Receive five days' notice of his/her scheduled testimony at the hearing
2. Have up to two adult support persons of his/her choosing present in the hearing at the time he/she testifies
3. Have a closed hearing during the time he/she testifies

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code

48918.5)

#### Written Notice of the Expulsion Hearing

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48900.8, 48918(b))

1. The date and place of the hearing
2. A statement of the specific facts, charges and offense upon which the proposed expulsion is based
3. A copy of district disciplinary rules which relate to the alleged violation
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 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 Education Code 48915(a).

(cf. 5119 - Students Expelled from Other Districts)

5. The opportunity for the student or the student's parent/guardian to appear in person or to be represented by counsel
6. The right to inspect and obtain copies of all documents to be used at the hearing
7. The opportunity to confront and question all witnesses who testify at the hearing
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses

#### Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be public.

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

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. (Education Code 48918(c))

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, so long as a reasonably accurate written and complete transcription of the proceedings can be made. (Education Code 48918(g))

3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent for the personal appearance at the hearing of any person who actually witnessed the events that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11525. (Education Code 48918(i))

Any objection raised by the student or the Superintendent to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(i))

4. Presentation of Evidence: While technical rules of evidence do not apply to such hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel must be supported by substantial evidence that the student committed any of the acts listed in "Grounds for Suspension and Expulsion."

Findings of fact shall be based solely on the evidence at the hearing. While no decision shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure may subject them to an unreasonable risk of harm. (Education Code 48918 (f) and (h) and John A. v. San Bernardino School District)

In cases where a search of a student's person or property has occurred, evidence describing the reasons for the search shall be included in the hearing record.

(cf. 5145.12 - Search and Seizure)

5. Testimony by Complaining Witnesses: The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student: (Education Code 48918)

a. Any complaining witness shall be given five days' notice before being called to testify.

b. Any complaining witness shall be entitled to have up to two adult support persons, including but not limited to a parent/guardian or legal counsel, present during his/her testimony.

c. Before a complaining witness testifies, support persons shall be admonished that the hearing is

confidential.

d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.

e. If one or both support persons are also witnesses, the hearing shall be conducted according to Penal Code 868.5.

f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.

g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.

(1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.

(2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.

(3) The person conducting the hearing may:

(a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness

(b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours

(c) Permit one of the support persons to accompany the complaining witness to the witness stand

6. Decision Within 10 Days: The Board's decision on whether to expel a student shall be made within 10 school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

7. Decision Within 40 Days: The Board's decision on whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

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

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

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

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the student shall be immediately reinstated. The Superintendent shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers, and with the student's parent/guardian. (Education Code 48918(e))

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendation "Suspension of Enforcement of the Expulsion below.")

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

#### Final Action by the Board

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

If the Board conducts the hearing and reaches a decision not to expel, this decision shall be final, and the student shall be reinstated immediately.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for an act listed under "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. 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. (Education Code 48916)

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review as well as assessment of the student at the time of review for readmission
2. Recommendations for improved academic performance, tutoring, job training, counseling, employment, community service and other rehabilitative programs.

3. Such other recommendations as the Board approves.

With parental consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

#### Written Notice to Expel

The Superintendent shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed in Education Code 48900(a)-(o), Education Code 48900.2-48900.4 and Education Code 48915(c) (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board of Education (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

#### Suspension of Enforcement of the Expulsion

The Board, upon voting to expel a student, may suspend the enforcement of the expulsion order for not more than one calendar year. Expulsion orders shall not be suspended in cases of mandatory expulsions. In making the decision to suspend the enforcement of an expulsion, the Board shall take the following into consideration:

1. The student's previous behavior.
2. The seriousness of the misconduct.
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program.

The suspension of the enforcement of an expulsion shall be governed by the following: (Education Code 48917)

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program.

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

#### Right to Appeal

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

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

#### Post-Expulsion Placements

The Board shall refer expelled students to a program of study that meets all the following conditions: (Education Code 48915)

1. Is appropriately prepared to accommodate students who exhibit discipline problems
2. Is not provided at a comprehensive middle, junior or senior high school or at any elementary school
3. Is not housed at the school site attended by the student at the time of suspension

(cf. 6185 - Community Day School)

When the placement described above is not available, and when the County Superintendent of Schools so certifies, students expelled for acts described in items #6 through #16 under "Grounds for Suspension and Expulsion" may be instead referred to a program of study that is provided at another comprehensive middle, junior, or senior high school, or at an elementary school.

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. (Education Code 48916.1)

Students expelled from grades 7-12 may be offered independent study as a voluntary alternative to available classroom instruction; however, the student's parent/guardian must first provide written consent for this option. (Education Code 48916.1)

(cf. 6158 - Independent Study)

#### Readmission After Expulsion

Readmission procedures shall be as follows:

1. When the Board orders an expulsion, it shall state a date when the student shall become eligible for consideration for readmission to the district.
2. The Superintendent shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Superintendent shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to state in writing their willingness to comply with these regulations.
3. The Superintendent shall transmit his/her recommendation regarding readmission to the Board. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.
4. The Superintendent shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
5. The Board may deny readmission if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)
6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)
7. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

#### Maintenance of Records

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

Code 48918(j))

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

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5125 - Student Records)

Notifications and Reports (Education Code 48902)

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

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

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

Outcome Data

The Superintendent shall maintain the following data and report such annually to the California Department of Education, using forms supplied by the California Department of Education: (Education Code 48916.1)

1. The number of students recommended for expulsion
2. The grounds for each recommended expulsion
3. Whether the student was subsequently expelled
4. Whether the expulsion order was suspended
5. The type of referral made after the expulsion
6. The disposition of the student after the end of the expulsion period

Regulation MOUNTAIN VIEW-LOS ALTOS UNION HIGH SCHOOL DISTRICT  
approved: October 23, 1995 Mountain View, California  
revised: August 25, 1997  
revised: April 27, 1998  
revised: October 14, 2002

# **Unified School Districts**

## **Plans for Expelled Students**

# **Gilroy Unified School District**

## **Plan for Expelled Students**

SANTA CLARA COUNTY OFFICE  
OF EDUCATION  
AND  
GILROY UNIFIED SCHOOL  
DISTRICT  
FOR THE IMPLMENTATION OF  
EDUCATION CODES  
48916.1 AND 48926

## INTRODUCTION PAGE

Educational programs within Santa Clara County provide numerous opportunities for students who are in need of traditional and/or alternative education programs. While individual school districts offer a broad spectrum of service and the County office of Education offers additional options, this combination provides a continuum of alternatives to expelled students.

A student whose behavior has resulted in expulsion is given a rehabilitation plan that is designed by the district of residence. This plan may involve one or more of the options outlined. A student who is simply in need of an educational alternative may also access these programs through a District and/or County referral process.

## **COUNTY OFFICE OF EDUCATION OVERVIEW**

The Santa Clara County office of Education will continue to provide an educational option for expelled students. This program is one that fits in the continuum of educational care as outline. The philosophy of each individual school district affects how the Santa Clara County office of Education Community School program will meet the needs of that particular school district. Some school districts use the Santa Clara County program as an educational option for those students expelled under a district "no-tolerance" policy, while others use this program as a student assistance or placement alternative. The Community school is a permissive educational program that provides the local school districts with another educational option for their expelled youth.

### **Gilroy Unified School District Overview**

#### **County Existing Educational Alternatives for Expelled Youth**

The Santa Clara County Office of Education Court and Community School/Day Center program offers the following options for expelled youth:

1. daily educational programs that meet from 240 to 360 minutes per day in community classrooms;
2. teen parent program;
3. specific "non-restrictive" sites:
  - Calero Community School (112 capacity)
  - South County Community School (48 capacity)
  - The Foundry (75 capacity)
4. Partnership programs:
  - Advent Community School (Group Home)
  - Rebekah Children's Services Phoenix
  - Ridgemont Community School (Alum Rock)
  - Santa Clara Community School (Santa Clara)
  - Stonegate Community School (Franklin McKinley)

### **District Existing Education Alternatives for Expelled Youth**

The Gilroy Unified School District offers the following options for expelled youth, depending on the specific offense and Education Code violation and grade level:

- Suspended expulsion with placement on the same school campus
- Suspended expulsion with placement on a different school campus within the District
- Suspended expulsion with placement at Advanced Path program
- Suspended expulsion with placement in independent studies
- Expulsion with referral to the Santa Clara County Office of Education Alternative Education Program (Odyssey).

Actual referral to such a placement may be made by the District Governing Board, with recommendations from the Administrative Hearing Panel, the District Placement Committee, SARB or a similar District referral process.

## **COUNTY AND DISTRICT GAPS AND STRATEGIES IN EDUCATIONAL SERVICES**

There are six major gaps that exist in respect to providing education services to expelled pupils. Following each gap is the County/District strategy for addressing these gaps.

1. It is possible under Education Code 48916.1 a. that a student would not be expelled. As an example, a student who has been expelled from the District under Education Code 48915 and referred to either a district Community Day School or a County operated Community School program could commit another violation of Education Code 48915 and ultimately be referred back to the original District.

**County/District strategy for addressing this gap:**

- Districts who have developed a district Community Day School will have the option to refer appropriate students to this program (if funded) and possible placement at Calero Community Day School

2. Students who have failed their placement in district Community Day Schools may be referred to other district programs or to a county operated Community School. If the student fails the program or commits another expulsion type offense, there may not be any viable alternatives remaining.

**County/District strategy for addressing this gap:**

- The County Office of Education will continue to provide Educational services to those eligible students placed or referred to the Court and Community School/Day Center Program.
- Districts will continue to use existing educational strategies and programs to meet the needs of expelled students.

3. Small school districts within Santa Clara County generally expel very few students during the course of a school year; so few students are expelled that having a special class or program for such students, located in each district, is not financially or geographically possible.

**County/District strategy for addressing this gap:**

- Regional program may be developed to reflect geographical or limited numbers.

4. Students, who are expelled by individual small school districts, and by the combined small school district within Santa Clara County, vary as to age, grade level, and expulsion offenses. The wide range of age, grade level, and seriousness of offense make it difficult to provide appropriate programs for these/this district(s).

**County/District strategy for addressing this gap:**

- Regional program may be developed to reflect geographical or limited numbers.

5. There are significant geographical distances between local small districts, thus district or county operated classroom sites/programs for small school districts would require either extensive busing, which is not financially feasible for the county, or parent provided transportation, which is often impossible for the parents.

**County/District strategy for addressing this gap:**

- Gilroy Unified has developed the Advance Path program.

6. Students in grades one through six who are expelled do not have the same educational options available as do expelled youth who are in grades seven through twelve, due to the limited numbers of students who are expelled in these lower grades. These younger students cannot attend the programs designed for middle and high school students. A program for younger students, grades 4 to 6 is in operation on a middle school campus.

**County/District strategy for addressing this gap:**

- Continue to develop more appropriate instructional strategies.

## **COUNTY AND DISTRICT ALTERNATIVE PLACEMENTS**

*(For those expelled students who have been placed in a district community day school but who fail to meet the terms or conditions of their rehabilitation plan or who pose a danger to other district pupils)*

### **Step I**

The School District of residence continues to maintain responsibility for developing a rehabilitation plan for the student, referring the student to an appropriate educational setting, and ensuring that an educational program is provided either within or outside the school district.

### **Step II**

Expelled students who fail to meet the terms and conditions of the district rehabilitation plan may be referred to a different district school, another district program or the Santa Clara County Office of Education Community School in San Martin or Calero. Enrollment in the Advance Path Program is an additional opportunity. Enrollment in the Elementary Program for expelled students is available to elementary students.

Expelled students can be referred to a Santa Clara County Office of Education Community School. An Individual Learning Plan will be developed with the students' parents and COE staff. Part of this plan may include a goal of returning to the school district of residence after the district expulsion term. If students fail the County-operated, the student is referred back to the district for possible review and re-placement.

# **Milpitas Unified School District**

## **Plan for Expelled Students**

## MILPITAS UNIFIED SCHOOL DISTRICT EDUCATIONAL SERVICES

### INTRODUCTION

Educational programs within Santa Clara County provide numerous opportunities for students who are in need of traditional and/or alternative education programs. While individual school districts offer a broad spectrum of services and county Office of Education offers additional options, this combination provides a continuum of alternatives to expelled students.

A student whose behavior has resulted in expulsion is given a rehabilitation plan that is designed by the district of residence. This plan may involve one or more of the options outlined. A student who is simply in need of an educational alternative may also access these programs through a District and/or County referral process.

The Milpitas Unified School District will utilize County services as determined by the District's Board of Education when appropriate.

All gaps in services are addressed in the attached remediation plan. If a student violates conditions of the plan, moves out of the District, while under expulsion, is sent back to the District from a County program or asks for a different placement, the Director of Student Services will evaluate each circumstance on an individual basis.

BOARD APPROVED: May 13, 1997

## **SUSPENSION AND EXPULSION**

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### **1. Suspension by the Principal, Principal's Designee, or the Superintendent**

- 1.1 The principal of the school, the principal's designee, or the superintendent of schools may suspend a student from the school for any of the reasons enumerated in Section 48900, and pursuant to Section 48900.5, for no more than five consecutive schooldays.
- 1.2 Suspension by the principal, the principal's designee, or the superintendent shall be preceded by an informal conference conducted by the principal or the principal's designee or the superintendent of schools between the student and, whenever practicable, the teacher or supervisor or school employee who referred the student to the principal or the principal's designee or the superintendent of schools. At the conference, the student shall be informed of the reason for disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense.
- 1.3 A principal or the principal's designee or the superintendent of schools may suspend a student without affording the student an opportunity for a conference only if the principal or the principal's designee or the superintendent of schools determine that an emergency situation exists. "Emergency situation", as used in this article, means 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 students or school personnel. If a student is suspended without a conference prior to suspension, both the parent/guardian and the student shall be notified of the student's right to a conference. The conference shall be held within two schooldays, unless the student waives this right or is physically unable to attend for any reason, including, but not limited to, incarceration or hospitalization. The conference shall then be held as soon as the student is physically able to return to school for the conference.
- 1.4 At the time of suspension, a school employee shall make a reasonable effort to contact the student's parent/guardian in person or by telephone. Whenever a student is suspended from school, the parent/guardian shall be notified in writing of the suspension.
- 1.5 A school employee shall report the suspension of the student, including the cause therefore, to the governing board of the school district or to the district superintendent accordance with the regulations of the governing board.
- 1.6 The parent/guardian of any student shall respond without delay to any request from school officials to attend a conference regarding his or her child's behavior.  
  
No penalties may be imposed on a student for failure of the student's parent/guardian to attend a conference with school officials. Reinstatement of the suspended student shall not be contingent upon attendance by the student's parent/guardian at such conference.
- 1.7 A notice of suspension shall be mailed to the parent/guardian containing the following information:

- 1.7.1 A statement of the facts leading to the decision to suspend the students;
  - 1.7.2 The date and the time when the student will be allowed to return to school;
  - 1.7.3 A statement of the right of the student or parent/guardian to request a meeting with superintendent or designee;
  - 1.7.4 A statement of the parent/guardian's right to have access to the student's records; and
  - 1.7.5 A request that the parent/guardian attend a conference with the school administrator regarding the student's behavior, including notice that state law requires parent/guardian to respond to such a request without delay.
- 1.8 In a case where expulsion from any school or suspension for the balance of the semester from continuation school is being processed by the governing board, the school district superintendent or other person designated by the superintendent in writing may extend the suspension until such time as the governing board has rendered a decision in the action. However, an extension may be granted only if the superintendent or the superintendent' designee has determined, following a meeting in which the student and the student's parent or guardian are invited to participate, that the presence of the student at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process. If the student or the student's parent/guardian has requested a meeting to challenge the original suspension pursuant to Section 48914, the purpose of the meeting shall be to decide upon the extension of the suspension order under this section and may be held in conjunction with the initial meeting on the merits of suspension.

## 2. **Procedures for the Expulsion of Students**

Expulsion is used only when there is a history of misconduct, when other forms of discipline including suspension, failed to bring about proper conduct, or when the student's presence causes a continuing danger to other students. (Education Code 48915.b.1 and 48915.b.2)

Matters of expulsion shall first be heard by an expulsion hearing panel consisting of the Director of Student Services or designate, as chairperson, with no voting power, and three other certificated personnel. The following rules apply to all expulsion hearings:

- 2.1 The student and student's parent/guardian shall be entitled to a hearing to determine whether or not a student should be expelled.
  - 2.1.1 The hearing shall be held within 30 school days of the date expulsion is recommended or within 25 school days of the date suspension is ordered for the offense, whichever is sooner. If the parent/guardian or the student request, at least five days prior to the scheduled hearing, the hearing may be postponed. In the event that compliance with the above time requirement is impracticable, the expulsion hearing may be delayed for good cause up to five additional days.
- 2.2 Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least 10 days prior to the date of the hearing. The notice shall include:

- 2.2.1 Date, time, and place of the hearing;
  - 2.2.2 A statement of the specific facts and charges upon which the expulsion is based;
  - 2.2.3 Notice to the student and the student's parent/guardian to appear in person or the employ and be represented by Counsel;
  - 2.2.4 A copy of the "Policies Pertaining to Student Behavior" (5144);
  - 2.2.5 The right to inspect and obtain copies of the documents to be used at the hearing;
  - 2.2.6 Confront and question all witnesses who testify at the hearing;
  - 2.2.7 Question all other evidence presented; and,
  - 2.2.8 Present oral and documentary evidence on the student's behalf, including witnesses.
- 2.3 The expulsion hearing panel shall conduct the expulsion hearing in closed session unless the student or the student's parent/guardian request, in writing, a public meeting, at least five days prior to the date of the hearing.
- 2.4 If the hearing panel recommends rejection of the expulsion, the proceedings shall be terminated and the student shall be immediately reinstated. The Board of Education shall accept the recommendation for a rejection of expulsion; however, the Board may require the panel to prepare and submit findings of facts, which support the recommendation of rejecting the expulsion. If the panel recommends expulsion, findings of the facts and recommendations must be based solely on the evidence gathered at the hearing. If the Board accepts the recommendations for expulsion, such acceptance shall be based upon either a review of the findings of facts and recommendations submitted by the panel or upon results of such supplementary hearing conducted pursuant to this section as the Board of Education may order.
- 2.5 The date for re-admission for mandatory expulsions is one calendar year from the date of expulsion. However the School Board may set an earlier date on a case-by-case basis. For other offenses, the expulsion can be no longer than the remainder of the current semester plus one additional semester.
- 2.6 Either party in the expulsion hearing may have appropriate representation.
- 2.7 A record of the hearing shall be made by any means, as long as a reasonable accurate written transcription of the proceedings can be made.
- 2.8 Evidence may be admitted if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of such affairs. The Board's decision to expel must be supported by a preponderance of evidence.
- 2.9 The final action by the Board to expel shall be taken at a public meeting whether an expulsion hearing is conducted in closed or public session. The Board may meet in executive session to determine whether there should be an expulsion provided to the student. The student, the student's parent/guardian and/or their counsel shall be allowed to attend the executive session.

- 2.10 Written notice of the decision to expel shall be sent to the student or the parent/guardian and shall be accompanied by the notice of the right to appeal such expulsion to the County Board of Education.
- 2.11 A decision by the governing board to expel a student shall be made within 35 school days of the date expulsion is recommended by the principal or within 40 school days of the date suspension is ordered for the offense, whichever is sooner, unless the student or the parent/guardian, in writing, request the decision be postponed.
- 2.12 The student or the parent/guardian may appeal to the County Board of Education within 30 school days following the Board's decision to expel, except in cases of suspension of students enrolled in a continuation school. (Education Code 48912.5)

3. **Re-admission: Rehabilitation of Expelled Students**

- 3.1 A rehabilitation plan will be developed for all expelled students.
- 3.2 Each expelled student must be referred to an educational program by the governing board. The program shall not be situated on the grounds from which the student was expelled.
- 3.3 K-6 students cannot be combined or merged with 7-12 expelled students.
- 3.4 The school district is required to review a student's re-admission to a school in the district at the re-admission date. The student must be re-admitted unless he or she does not meet the conditions of the rehabilitation plan or the student continues to pose a danger to campus safety or to other students or employees of the district.

4. **Expelled Students from Another School District**

When an expelled student from another school district seeks admission to Milpitas Unified School District, a hearing must be held to determine if the student poses a continuing danger to students or employees. (Education Code 48915.1)

Initial Adoption: 01/25/83

Amended: 01/25/83  
04/12/94  
06/10/97

## **SUSPENSION AND EXPULSION POLICY**

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A student shall not be considered for suspension or expulsion from school unless the superintendent or principal of the school in which the student is enrolled determines that the student has engaged in any of the acts enumerated in Education Code 48900 through 48900.4.

Four mandatory expulsions are: possession of firearms, brandishing a knife at another person, sale of drugs, committing or attempting to commit sexual assault or committing sexual battery. (Education Code 48915.c.1-4)

When a student is expelled from the District, the District is required to provide the student with an alternative educational placement and a plan for rehabilitation. (Education Code 48916)

### **Student Due Process**

Students have the right to due process of law. The governing board wishes to provide all the protection implicit in "due process", and all staff members are expected to accord due process rights to all students. (Education Code 48911, 48914, 48915)

### **Notification of Law Enforcement Authorities if Student Commits Assault with Deadly Weapon or Force Likely to Produce Great Bodily Injury**

The principal of a school or the principal's designee shall, prior to the suspension or expulsion of any student, notify the appropriate law enforcement authorities of the county of the city in which the school is situated of any acts of the student which may be in violation of Section 245 of the Penal code. (Education Code 48902)

No student shall be suspended or expelled for any of the acts enumerated unless that act is related to school activity or school attendance. A student may be suspended or expelled for acts which are enumerated in this section and related to school activity or attendance which 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.

Alternatives to suspension or expulsion will be used for students who are truant, tardy, or otherwise absent from assigned school activities.

### **Temporary Alternative Placement (TAP) Center**

It is the intent of the District to provide a temporary in-house suspension in lieu of home

suspension in order not to deprive a student of her/his educational program. If it is determined that a student has committed a suspendable offense, she/he may be assigned to an in-house suspension at the TAP Center in lieu of home suspension for a period of one to ten days. If it is determined that a student has committed an expellable offense, she/he may be assigned to an in-house suspension at the TAP Center pending an expulsion hearing.

### **Limitations on Days of Suspension**

Except as provided in subdivision (g) of Section 48911 and Section 48912, the total number of days for which a student may be suspended from school shall not exceed 20 school days in any school year, unless for purposes of adjustment, a student enrolls in or is transferred to another regular school, an opportunity school or class, or a continuation education school or class, in which case the total number of school days for which the student may be suspended shall not exceed 30 days in any school year. (Education code 48903)

### **Students with Previously Identified Exceptional Needs**

1. Suspensions of students who are enrolled in special education programs will follow the same procedure as regular students for the first offense enumerated in Education Code Section 48900.
2. The Board of Trustees may expel a student with previously identified exceptional needs who is currently enrolled in a special education program. All the procedures of federal and state laws, including notice, referral, assessment, Individualized Education Program (IEP) Team deliberations, and possibly due process hearings must be completed prior to initiating the referral for expulsion, except that parental consent is not required as a condition for expulsion proceedings or the decision to expel. (Education Code 48915.5, Subdivision (b)) If the foregoing procedures have been carried out, as described in Administrative Regulation 595, according to legal requirements, a request for expulsion can be made if the student has been found to have committed any of the acts enumerated in Education Code 48900.

The Board of Trustees may order a student expelled upon finding that the student violated Section 48900 or Section 48900.2 and either of the following:

- (1) That other means of correction are not feasible or repeatedly failed to bring about proper conduct.
  - (2) That due to the nature of the violations, the presence of the student causes a continuing danger to the physical safety of the students and staff of the district.
- A. A student with previously identified exceptional needs currently enrolled in a special educational program may be expelled by the governing board only if:
- (1) An Individualized Education Program (IEP) Team meeting is held and conducted pursuant to Article 3 (commencing with Section 56340).

- (2) The team determines that the misconduct was not caused by, or was not a direct manifestation of, the student's identified handicap.
- (3) The team determines that the student had been appropriately placed at the time the misconduct occurred. (Education Code 48915.5)

B. A student previously determined to have exceptional needs may not be suspended for more than 10 school days, even when expulsion procedures are set in process. The District may within the 10 school day suspension (or possibly after) petition a court for a temporary restraining order to prevent the special education student from returning to school. Generally the court would have to be successfully shown that:

- (1) The student poses an immediate threat to the safety of others, and
- (2) That Due Process procedure would be futile or inadequate, and
- (3) Alternative disciplinary procedures or placements have been unsuccessful.

Adopted  
By Board: 1/25/83

Amended: 6/14/94  
5/13/97

## **SUSPENSION/EXPULSION OF INDIVIDUALS WITH EXCEPTIONAL NEEDS**

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A student enrolled in a special education program is subject to the same grounds for suspension which apply to other students. All the procedural safeguards established by district policies and regulations shall be observed in considering the suspension of special education students, including the requirement that, depending on the nature of the misconduct, some form of in-school intervention be used prior to suspension to show that suspension was imposed only when other means of correction failed to bring about proper conduct. However, depending on the offense, a student may be suspended upon a first offense.

The Superintendent or designee may suspend a special education student for up to five (5) school days for a single incident of misconduct, and for up to twenty (20) school days in a school year. If the student is transferred to another school or alternative educational program, the student may be suspended for up to thirty (30) school days in a school year, but still no more than five (5) days for a single incident of misconduct, unless the student is suspended by the Board under Education Code Section 48912. In addition, the Superintendent or designee may suspend a special education student for up to, but not more than, ten (10) consecutive school days for a single incident of misconduct if he/she poses an immediate threat to the safety of him/herself or others. In the case of a dangerous child, a suspension may exceed ten (10) consecutive school days, or the student's placement may be changed, or both, if the parent/guardian so agrees or if a court order so provides.

Procedures and time-lines governing the expulsion of special education students shall be the same as those for other students except that a pre-expulsion assessment shall be made and an individualized education program (IEP) team meeting held under conditions and with possible consequences as follows:

1. The parent/guardian shall receive written notice of the District's intent to conduct the pre-expulsion assessment and shall make the student available for the assessment without delay at a site designated by the District. The parent/guardian shall also have the right to an independent assessment as provided by the education code.
2. The pre-expulsion educational assessment shall be conducted in accordance with the guidelines of the Code of Federal Regulations, Title 34, Section 104.35, which shall include a review of the student's placement at the time of the alleged misconduct and a determination of the relationship, if any, between the student's behavior and his/her disability.
3. An IEP meeting shall be held to determine if an expulsion hearing is appropriate. This meeting shall be held at a time and place mutually convenient to the parent/guardian and District within the period, if any, of the student's pre-expulsion suspension. The parent/guardian's participation may be made through actual participation, representation, or a telephone conference call.

4. The parent/guardian shall be notified of his/her right to participate in the meeting at least 48 hours before the meeting.

The notice shall specify:

- a. that the meeting may be held without the participation of the parent/guardian unless he/she requests a postponement for up to three (3) additional school days; and
- b. that the suspension will be continued during the postponement if the student continues to pose an immediate threat to the safety of him/herself or others.

In order to make a record of its attempts to arrange the meeting at a time and place mutually agreed upon, the District shall keep documentation such as:

- a. detailed records of telephone calls made or attempted and the results of the calls.
  - b. copies of correspondence sent to parent/guardian and any responses received.
  - c. detailed records of visits made to the parent/guardian's home or place of employment and the results of the visits.
5. The District shall grant a parent/guardian's request that the meeting be postponed for up to three (3) additional school days and may extend a student's suspension for the period of postponement if he/she continues to pose an immediate threat to the safety of him/herself or others. However, the suspension shall not be extended beyond ten (10) consecutive schooldays unless agreed to by the parent/guardian or by court order. If the parent/guardian refuses to consent to an extension beyond ten (10) consecutive school days and chooses not to participate, the meeting may be conducted without the parent/guardian's participation.
  6. The IEP team shall consider the pre-expulsion assessment results and shall also review and consider the student's health records and school discipline records.
  7. If the IEP team determines that the alleged misconduct was caused by, or a direct manifestation of, the student's disability or that the student was not appropriately placed, the expulsion shall not proceed.
  8. If the IEP team determines that the alleged misconduct was not caused by, or a direct manifestation of, the student's disability, and if it is determined that the student was appropriately placed, the student shall be subject to expulsion in accordance with procedures that apply to all students.

The expulsion hearing shall not be conducted, and the thirty (30) day expulsion proceedings time limit shall not commence, until after completion of: 1] the pre-expulsion assessment; 2] the IEP meeting; and 3] due process hearings and appeals, if initiated.

# **Morgan Hill Unified School District**

## **Plan for Expelled Students**

**Morgan Hill Unified School District**

**Plan for Expelled Students**

**The implementation Education Codes 48916.1 and 48926**

Morgan Hill Unified School District  
and  
Santa Clara County Office of Education

Dr. Wesley Smith, Superintendent

Socorro Shiels, Assistant Superintendent  
Educational Services Division

Lisa Atlas  
Director of Student Services

Board Approved: May 22, 2012

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## **Morgan Hill Unified School District Overview Plan For Expelled Youth**

Morgan Hill Unified School District provides many early intervention strategies at the comprehensive school sites. The District provides intervention strategies which include, but are not limited to

### **Guidance**

Student assistance programs  
After school activities  
One-on-one counseling  
Student study teams  
Academic and emotional assessments  
Parent support meetings  
Alternative school placement  
Special educational services

### **Discipline**

In-school suspension  
Off-campus suspension  
Modified school day  
Student contracts  
Directed Student Assignment

There are students whose behavior violates California Education Code discipline sections and who are referred by the school site administrator for expulsion from school. The District Administrative Hearing Panel may recommend expulsion and a rehabilitation program to the Governing Board. Post-expulsion referrals are made by the Department of Student Services.

### **48915.2-Students**

Student expelled for any of the offenses listed in subdivision (a) or (c) of Section 48915 of the California Education code shall not be permitted to enroll in any district operated program during the period of the expulsion unless it is a community day school. If the student is in grades K-6, the educational placement for the student shall not be merged or combined with educational programs offered to students in grades 7-12.

### **Education Code 48916.1**

At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion but only to the extent funds are appropriated for this purpose in the annual Budget Act or other legislation, or both.

### **Education code – 48926**

Each county superintendent of school in counties that operate community schools pursuant to Section 1980, in conjunction with the superintendents of the school districts within the county, shall develop a plan for providing education services to all expelled pupils in that county. The plan shall be adopted by the County Board of education.

This plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those service gaps. The plan shall also identify alternative placements for pupils who are expelled and placed in district community school programs, but who fail to meet the terms and conditions of their rehabilitation plan or who pose a danger to other district pupils, as determined by the governing board.

Each county superintendent of schools, in conjunction with the superintendents of the school districts, shall submit to the Superintendent of Public Instruction the county plan for providing educational services too expelled pupils in the county no later than May 30, 2012, and shall submit a triennial update

to the plan to the Superintendent of Public Instruction, including the outcome data pursuant to Section 48916.1, on June 30 thereafter. (1)

### **Existing County and District Alternative Placement Process**

#### **Step I: Referral Process**

The Morgan Hill Unified School District continues to maintain responsibility for developing a rehabilitation plan for every expelled student and ensuring that an educational program is provided either within or outside the school district.

When students are involved in disciplinary actions culminating in expulsion, the Expulsion Hearing Officer will meet with the parent/guardian of an expelled student to review program options available to the student and to assist with an alternative placement. These options may include alternative out of district placements or within district placements. When student are offered alternative placement within the district, the District Student Study Team and/or District School Attendance Review Board (DSST/SARB) may be involved to develop a rehabilitation plan that will be agreed to by the pupil and his or her parents.

Whenever possible, students will be referred to programs in county community schools.

Students who leave their placement for any reason during the term of expulsion will be referred back to the Expulsion Hearing Officer for further rehabilitation planning.

#### **Step II: Placement Options**

Expelled students or students on suspended expulsions who fail to meet the terms and conditions of the district rehabilitation plan may be referred to another district program, a different district school, or the Santa Clara County Office of Education Community School.

The Santa Clara County Office of Education provides an educational option for students expelled from the district and for students who need an alternative placement. These are permissive educational programs that are located at Community Schools and offering the following options:

-Daily educational programs that meet from 240-360 minutes per day in community school classrooms

-Independent Study programs (IS) that require students to complete a minimum of twenty hours of educational product

(2)

### **District Options for Expelled Youth**

**The Morgan Hill Unified School District offers the following options for expelled students, depending on the specific offense and Education Code violation:**

- A suspended expulsion with placement on a different school campus within the District (Grades K-12)
- A suspended expulsion with placement on District Contracted Study (Independent Studies)
- An Expulsion with a referral to a County Office of Education Community School Program (Grades 7-12)

For students given suspended expulsions, the Expulsion Officer may confer with the DSST/DSARB to review student needs and placement options. In most cases, students from the Morgan Hill Unified School District will be referred to classes at:

Odyssey Community School located in San Martin adjacent to the San Martin Elementary campus, serving Gilroy and Morgan Hill Unified School Districts

Snell Community Day School located in San Jose

Stonegate Community School located in San Jose

Students have the option, however, of attending any community school program in the county that is appropriate.

For students referred to the COE, an Individual Learning Plan will be developed with the students' parents and COE staff. Part of this plan may include a goal of returning to the school district of residence after the District expulsion term. If a student fails at the County-operated program, a joint meeting between the County, District, student and parent will be held to review placement options.

### **Step III: County and District Gaps and Strategies in Educational Services**

There are several gaps that exist in respect to providing educational services to expelled students. Following each gap is the County/District strategy for addressing these gaps.

#### **GAP: Geographical Distance**

There are significant geographical distances between districts and county operated classroom sites/programs which require either extensive busing, which is not financially feasible for the county, or parent provided transportation, which is often impossible for the parents.

#### **STRATEGY:**

Regional programs closer to Morgan Hill have been put in place (Odyssey) and it is suggested that perhaps a second program be developed to reflect geographical or limited numbers.

#### **GAP: Lack of Program for K-6**

Students in grades Kindergarten through six who are expelled do not have the same educational options available as do expelled students in grades seven-twelve, due to limited numbers of students who are expelled in these lower grades. These younger students cannot attend the programs designed for middle and high school students. The numbers are growing, but generally are not enough to develop an elementary school classroom or program.

**STRATEGY:**

Regional/District program may be developed to reflect geographical or limited numbers. Home School Options are available.

**GAP: Lack of Funding for District Community Day School Program**

The District Community Day School option for expelled students, as described in current California Education Code, is difficult for the local district to develop due to the following reasons:

Access to additional funding is restricted by having the students complete six hours of hour-by-hour attendance accounting in order for the district to receive the additional funding, and requiring additional attendance booking, and record keeping;

The Community Day School program limits the available instructional strategies which can be used, such as contracted study, which limits the program flexibility required for success;

The separation of students in grades K-6 from students in grades 7-12 also creates boundaries that will be financially and/or geographically difficult;

Inability to locate on a comprehensive site is a further complication.

**STRATEGY:**

Neighboring Districts could share a community day program.

**GAP: Expelled Student Fails Placement at Community Day School**

A student who has been expelled from the District under Education Code 48915 and failed a placement of a County operated Community School program is then referred back to the District's Department of Student Services.

**STRATEGY:**

The district will work with the County Office of Education to identify the best placement for the expelled student who has been dropped from the County program. A meeting with all concerned parties (parent, student, County, and the District) may be held to explore other alternatives such as:

Placement in another County Community School

Independent Studies through the County Community School

Students who have failed their placement in District Community Day Schools may be referred to a county operated Community School. If the student fails the program or commits another expulsionable type offense, there may not be any viable alternatives remaining.

# **Palo Alto Unified School District**

## **Plan for Expelled Students**

**PALO ALTO UNIFIED SCHOOL DISTRICT**  
SANTA CLARA COUNTY OFFICE OF EDUCATION  
EDUCATIONAL PLAN FOR EXPELLED STUDENTS

**May 2012**

The California Education Code EC §46926 and EC §45916.1(a) requires that all school districts have a plan to provide an educational program for expelled students.

PAUSD continues to maintain responsibility for developing a rehabilitation plan for the student, referring the student to an appropriate educational setting, and ensuring that an educational program is provided either within or outside the school district.

A variety of educational programs within Santa Clara County provide numerous opportunities for students who are in need of traditional and/or alternative educational programs. The combining of Palo Alto Unified School District (PAUSD) options (Independent Study, Opportunity Classes for Grades 6-9, Alta Vista High School, and Middle College) and the County Office of Education (COE) results in a continuum of alternatives for expelled students, as stipulated in the following California Education Code references.

*EDUCATION CODE §48926: Each county superintendent of schools in counties that operate community schools pursuant to EC §1980, in conjunction with superintendents of the school districts within the county, shall develop a plan for providing education services to all expelled pupils in that county. The plan shall be adopted by the governing board of each school district within the county and by the county board of education.*

*The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those service gaps. The plan shall also identify alternative placements for pupils who are expelled and placed in district community day school programs, but who fail to meet the terms and conditions of their rehabilitation plan or who pose a danger to other district pupils, as determined by the governing board.*

*Each county superintendent of schools, in conjunction with the superintendents of the school districts, shall submit to the Superintendent of Public Instruction the county plan for providing educational services to all expelled pupils in the county no later than June 30, 1997, and shall submit a triennial update to the plan to the Superintendent of Public Instruction, including the outcome data pursuant to §48916.1, on June 30<sup>th</sup>, thereafter.*

*Education Code §48916.1(a); At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an educational program is*

*provided to the pupil who is subject to the expulsion order for the period of the expulsion, but only to the extent funds are appropriated for this purpose in the annual Budget Act or other legislation, or both.*

The Palo Alto School District staff will develop a rehabilitation plan for each student that is recommended for expulsion by the Board of Education. This rehabilitation plan involves placement into one of several possible programs and clear guideline for return to the district. These programs are also available for any student needing an alternative educational experience for any reason other than expulsion.

#### **PAUSD ALTERNATIVES FOR EXPELLED YOUTH**

The following options exist for expelled youth, depending on the specific offense and Education Code violation:

Suspended expulsion with placement on the same school campus

Suspended expulsion with placement on a different school campus within the District

Suspended expulsion with placement in Independent Study, if the parent agrees

Expulsion with referral to the Santa Clara County Office of Education Court and Community School Program

Actual referral to such a placement is made by the Board of Education, with recommendations from the Administrative Hearing Panel, School Attendance Review Board (SARB), or as determined by District administration.

#### **COUNTY OFFICE OF EDUCATION OPTIONS**

The COE will continue to provide educational options for PAUSO expelled students. The Community School is a permissive educational program that provides local school districts with another educational option for their expelled youth. This program is one that fits in the continuum of educational care and includes the following:

Daily educational programs that meet the requirement for a full school day

Contracted study programs that require students to complete a minimum of 20 hours of educational product and a minimum of 10 hours of in-class assignments

Contracted study programs (Independent Study) that require students to complete a minimum of 20 hours of educational product

Teen parents Programs

North Santa Clara County programs include, but are not limited to, Terra Bella High School and Sunol Community School.

**PAUSD AND COE GAPS AND STRATEGIES FOR ADDRESSING THEM**

There are several gaps that exist in respect to providing educational services to expelled students. Following each identified gap is the COE/PAUSD strategy for addressing these gaps.

<b>GAP</b>	<b>SOLUTION STRATEGY</b>
A student who was expelled from the District under Education Code §48915 and referred to a COE operated Community School program could commit another violation of Education Code §48915, and ultimately need another placement.	Refer the student to another Community Day school, if possible, or work out an Independent Study Program to meet the student’s needs.
Students in grades K-5 are generally not recommended for expulsion, and there are few programs to address students in these grades.	Program(s) will be developed or existing programs expanded to respond to these limited referrals.
There are occasionally geographical distances between district and the COE programs for expelled students, thus assigning students to these programs may require busing.	A transportation plan will be worked out for students in this situation. This plan will include either district busing, funding for transportation, or some other busing arrangement.
There are occasionally geographical distances between district and the COE programs for expelled students, thus assigning students to these programs may require busing.	A meeting will be held with district and COE staff to analyze the issues and develop support for the student.

# **San Jose Unified School District**

## **Plan for Expelled Students**

**San Jose Unified School District**

**Plan for Expelled Students**

**The implementation Education Codes 48916.1 and 48926**

**Dr. Vincent Matthews, EDD. Superintendent**

**Jason Willis, Associate Superintendent  
Community Engagement and Accountability Division**

**Developed by**

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**SAN JOSE COMMUNITY SCHOOL**  
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**SAN JOSE UNIFIED SCHOOL DISTRICT PLAN**  
**FOR EXPELLED YOUTH**

Education code – 48926

Each county superintendent of school in counties that operate community schools pursuant to Section 1980, in conjunction with the superintendents of the school districts within the county, shall develop a plan for providing education services to all expelled pupils in that county. The plan shall be adopted by the County Board of Education.

The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those service gaps. The plan shall also identify alternative placements for pupils who are expelled and placed in district community school programs, but who fail to meet the terms and conditions of their rehabilitation plan or who pose a danger to other district pupils, as determined by the governing board.

Each county superintendent of schools, in conjunction with the superintendents of the school districts, shall submit to the Superintendent of Public Instruction the county plan for providing educational services too expelled pupils in the county no later than June 30, 1997, and shall submit a triennial update to the plan to the Superintendent of Public Instruction, including the outcome data pursuant to Section 48916.1, on June 30 thereafter.

Education Code 48916.1

a) At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion but only to the extent funds are appropriated for this purpose in the annual Budget Act or other legislation, or both.

**County and District Alternative Placement**

Step I

The San Jose Unified School District continues to maintain responsibility for developing a rehabilitation plan for every expelled student and ensuring that an educational program is provided either within or outside the school district.

Step II

Expelled students or students on suspended expulsions who fail to meet the terms and conditions of the district rehabilitation plan may be referred to San Jose Community School or the Santa Clara County Office of Education Community School

Step III

For students referred to the COE, an Individual Learning Plan will be developed with the students' parents and COE staff. Part of this plan may include a goal of returning to the school district of residence after the District expulsion term. If a student fails at the County-operated program, a joint meeting between the County, District, student and parent will be held to review placement options.

## **District Overview**

San Jose Unified School District provides many early intervention strategies at the comprehensive school sites. The District provides intervention strategies which include, but are not limited to

### **Guidance**

Academic and emotional assessments  
After school activities  
Alternative school placements  
Conflict management  
Coordination of Services Team  
CWA Counselor services  
Gang prevention and intervention services  
Individual and group counseling  
Parent Education and Support meetings  
Parent Project  
Positive Behavior Intervention System (PBIS)  
Role Model Program  
Student Study Team  
Vocational training

### **Discipline**

Administrative placements  
Detention  
Disciplinary Hearing  
Modified school day  
Off campus suspension  
On campus suspension  
On site Disciplinary hearings  
Saturday School  
Student behavior contracts

There are students whose behavior violates California Education Code discipline sections and who are referred by the school site administrator for expulsion from school. The District Administrative Hearing Panel may recommend expulsion and a rehabilitation program to the Governing Board. Post-expulsion educational referrals are made by the Department of Student Services.

## **District Existing Educational Alternatives for Expelled Youth**

San Jose Unified School District offers the following options for expelled youth:

- 1) Suspended expulsion with placement on the same school campus
- 2) Suspended expulsion with placement on a different school campus within the District
- 3) Suspended expulsion with placement in a District Learning Options program
- 4) Suspended Expulsion with placement at District Community School.
- 5) Expelled SDC students will be placed in a Special Education class at District Community School or the Santa Clara County Office of Education Community Schools.
- 6) Expelled with placement at District Community School
- 7) Expelled with placement to the Santa Clara County Office of Education Community Schools.

## **ELEMENTARY – Options**

### *Home Study*

Kindergarten through eighth grades; for family who choose to educate their own children at home;

Parent is primary instructor; parent meets monthly with resource teacher.

## **MIDDLE SCHOOL – Options**

### *San Jose Community School*

Sixth through twelfth grades; for students experiencing serious behavior or adjustment problems; expelled students.

Maximum of 20 students per class; academic instruction; alternative program that concentrates on academic and behavior needs.

### *Home Study*

Kindergarten through eighth grades; for families who choose to educate their own children at home.

Parent is primary instructor; parent meets monthly with resource teacher.

### *Liberty Alternative School*

Where independent studies is the primary instructional strategy and is always a voluntary placement grades 6 – 12.

## **HIGH SCHOOL – Options**

### *San Jose Community School*

Sixth through twelfth grades; for students experiencing serious behavior or adjustment problems, expelled students.

Maximum of 20 students per class; academic instruction; alternative program that concentrates on academic and behavior needs.

### *Liberty Alternative School*

Where independent studies is the primary instruction strategy and is always a voluntary placement grades 6 – 12.

### *Career Academy*

Tenth through twelfth grades (at least 16 years old); for students interested in a health related field with instruction in alternative setting (O'Connor Hospital).

Twenty-five students, two instructors, 3-hour classroom instruction, 2-hour on the job site at hospital; high school/work exploration, variable credits.

#### Middle College Program

Eleventh and twelfth grades for students interested in middle college programs must pass City College placement test.

Located at San Jose Community college, 70 students, two teachers, students take "core" classes with SJUSD teachers; students enroll in college courses and receive college and high school credit.

#### Necessary Small Continuation High Schools

Willow Glen Plus  
San Jose Plus  
Leland Plus  
Pioneer Plus  
Gunderson Plus

Necessary Small Continuation High Schools serve students in the 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> grades. Small class size, career and vocational counseling.

#### Capitol High School

Tenth through twelfth grades (must be at least 16) available for students participating in CCOC programs.

Students must have 60 or more credits; small class size, a.m./p.m. programs, students must be enrolled at CCOC; variable credits.

#### Broadway High School

A continuation high school serving 11<sup>th</sup> – 12<sup>th</sup> grade students (must be at least 16).

## County and District Gaps and Strategies in Education Services

There are five major gaps that exist with respect to providing educational services to expelled pupils. Following each gap is the District strategy for addressing these gaps.

- 1) There is no District Community School Program or a County Community school for an elementary school student who has been expelled from the District under Education Code 48915.

### District strategy for addressing GAP 1:

The district will work with the County Office of Education to identify the best placement for the expelled elementary student who has been dropped from the County program. A meeting with all concerned parties (parent, student, County, and the District) may be held to explore other alternatives such as:

- \* Placement in another County Community School
- \* Independent Studies through the County Community School

- 2) Students who are Second English Language learners and/or are perceived to be a Sureno gang member who have failed their placement in District Community Day Schools may be referred to other District programs or to a county operated Community School. If the student fails the program or commits another expulsionable type offense, there may not be any viable alternatives remaining.

### District strategy for addressing GAP 2:

The District will work with the County Office of Education to identify the need and expand the existing county program for a Second Language Learner or expelled Sureno gang member. A meeting with all concern parties (parent, student, County, and the District) may be held to explore other alternative such as:

- \* Placement in a County Community School
- \* Independent Studies through the County Community School
- \* Placement in another District Community Day School
- \* Voluntary placement at Liberty Alternative School

- 3) Students who have failed their placement in District Community Day School may be referred to a county operated Community School. If the student fails the program or commits another expulsionable type offense, there may not be any viable alternatives remaining.

### District strategy for addressing GAP 3:

The District will work with the County Office of Education to identify the need of the existing county programs for an expelled student. A meeting with all concern parties (parent, student, County, and the District) may be held to explore other alternative such as:

- \* Placement in a County Community School
- \* Independent Studies through the County Community School
- \* Voluntary Placement Liberty Independent Study School

# **San Clara Unified School District**

## **Plan for Expelled Students**

## **INTRODUCTION**

The process for serving the needs of expelled students within the Santa Clara Unified School District calls upon county, community, and district resources. Each expelled student has both a defined educational placement and rehabilitation plan that may require utilization of resources from one or more of these areas. A description of the procedures and resources used to serve expelled students is included in the following plan:

### **SANTA CLARA UNIFIED SCHOOL DISTRICT PLAN FOR EXPELLED STUDENTS**

Recent changes in educational policy in the area of expulsion call for clear plans to meet the needs of expelled students and strong follow-through on these plans. The relevant policies are described below.

#### Education Code 48926

Each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of the school districts with the county, shall develop a plan for providing education services to all expelled pupils in that county. The plan shall be adopted by the governing board of each school district within the county and by the county board of education.

The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those service gaps. The plan shall also identify placements for pupils who are expelled and placed in district community day school programs, but who fail to meet the terms and conditions of their rehabilitation plan or who pose a danger to other district pupils, as determined by the governing board.

Each county superintendent of schools, in conjunction with the superintendents of the school districts, shall submit to the Superintendent of Public Instruction the county plan for providing educational services to all expelled pupils in the county no later than June 30, 1997, and shall submit a triennial update to the plan to the Superintendent of Public Instruction, including the outcome data pursuant to Section 48916.1, on June 30<sup>th</sup> thereafter.

#### Education Code 48916.1

a) At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion, but only to the extent funds are appropriated for this purpose in the annual budget Act or other legislation, or both.

### **PROGRAM OPTIONS FOR EXPELLED STUDENTS**

The Santa Clara Unified School District will continue to provide educational placements for expelled students. Several program options are available for consideration by the Santa Clara Unified School District Board of Trustees when a student is expelled, depending upon the nature of the expellable offense. Placement recommendations are guided by input from the administrative hearing panels and Department of Student Services.

## District Options

1. Suspended expulsion with placement on original school campus
2. Suspended expulsion with a placement on another comprehensive school campus.
3. Suspended enforcement with placement on a continuation or alternative school campus
  - a) New Valley high School (Continuation – 10-12)
  - b) Opportunity Program (6-8)
  - c) Gateway High School (Continuation – 9-10)
  - d) *Santa Clara Community Day School (360 minute program)  
(6-8 and 9-12 program)*

## County Options

4. Suspended expulsion with placement at Santa Clara Community School, which offers 360 minutes of daily instruction.
5. Expulsion with placement at Santa Clara Community School.

## **REINSTATEMENT PROCEDURES**

Any time that a student is expelled, the student receives a rehabilitation plan that the student must follow in order to be considered for reinstatement following the terms of the expulsion. Such a plan might include conditions such as counseling, academic assistance, substance abuse intervention, or community service.

When students fail to follow rehabilitation plan during an expulsion term and are not eligible for reinstatement, they will continue to receive district assistance in finding an appropriate educational setting at a county directed community school or county independent study program. They will receive a new target date for reinstatement and clarification of conditions for reinstatement.

## **SERVICE GAPS AND STRATEGIES**

1. Students in grades K-6 who are expelled do not have the same educational options available as do expelled youth who are in grades seven through twelve, due to the limited number of students grades K-6 who are expelled. These younger students cannot attend the programs designated for middle and high school students.

Strategy: The Santa Clara Unified School District is currently working with representatives from Santa Clara County Office of Education as well as neighboring districts to consider collaborative programs for expelled K-6 students.

2. There exists a lack of appropriate placements for expelled Special Education students.

Strategy: The Santa Clara Unified School District will work with the Santa Clara County Office of Education to expand educational options for Special Education students.