HIGH SCHOOLS DISTRICTS
Campbell Union High School District

Plan for Expelled Youth
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 (c) 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; and

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.

Approved by Campbell Union High School District
Board of Trustees – April 24, 1997
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 offer 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 outlines. 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 programs (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.

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

Plan for Expelled Youth
EAST SIDE UNION HIGH SCHOOL DISTRICT
EXISTING EDUCATIONAL ALTERNATIVES FOR EXPELLED YOUTH

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 continuation school 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

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.
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 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 violation Education code 48915 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 district Community Day School may be referred to another County operated Community School. If the student fails the program or commits another expulsion type offense 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:

   • 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.
   • Districts 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.
EAST SIDE UNION HIGH SCHOOL DISTRICT

TO: Board of Trustees

FROM: Bob Nuñez, Superintendent

PREPARED BY: Alan Garofalo, Associate Superintendent of Student Services and Facilities

SUBJECT: Adopt Santa Clara County Office of Education / East Side Union High School District's Expelled Plan for Youth

As mandated by 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 within the county, shall develop a plan for providing education services to all expelled pupils that county. The plans 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 education 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 of the 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, 2009, 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 30th thereafter.

Per Education Code 48916.1, at the time an expulsion of a pupil is order, 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.

FISCAL IMPACT: N/A

FUNDING SOURCE: N/A

RECOMMENDATION: It is recommended that the Board of Trustees adopt the Santa Clara
County Office of Education / East Side Union High School District's Expelled Plan for Youth.

Additional Executive Content

Our adopted rules of Parliamentary Procedure, Robert's Rules, provide for a consent agenda listing several items for approval of the Board by a single motion. Most of the items listed under the consent agenda have gone through Board subcommittee review and recommendation. Documentation concerning these items has been provided to all Board members and the public in advance to assure an extensive and thorough review. Items may be removed from the consent agenda at the request of any board member.

Created on 05/22/2009 at 11:24 AM by Vangie Avila. Last update on 05/26/2009 by Vangie Avila.
Fremont Union High School District

Plan for Expelled Youth
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 19, 2009

BOARD APPROVED: June 2, 2009
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 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 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 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 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

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:
   Bill Wilson Center
   Calero Community School
   The Foundry
   Pathfinder Community School
   South County Community School

4. Partnership programs:
   Advent Community School (Group Home)
   Alternative cement Academy/Bridge
   Terra Bella (Mountain View Whisman District, Sunnyvale Elementary School District, Fremont Union High School District, and Palo Alto Unified School District)
   Ridgmont Community School (Alum Rock)
   Santa Clara Community School (Santa Clara)
   Stonegate Community School (Franklin McKinley)
   Success Camp (at McKenna School)
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 a different school campus within the District
3. Suspended expulsion with placement in New Start (independent study program with parental consent)
4. Expulsion with referral to the District Community Day School program
5. Expulsion with referral to the Santa Clara County Office of Education Court and Community School/Day Center Program
6. Expulsion with referral to the Santa Clara County Office of Education independent study program (Central Independent High School)
7. Placement in another public school district, with the consent of the receiving school district
8. Placement in a community college program
9. Placement in a private school, with the school’s consent

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 the Fremont Union High School District; others 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 Court and Community School/Day Center Program.
   * Districts will continue to use existing educational strategies and programs to meet the needs of expelled students.
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
Community School Program, which is a permissive program 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 possible review and re-placement.
Los Gatos-Saratoga
Jt. Union
School District

Plan for Expelled Youth
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

April 30, 2009
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
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.
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.
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, 2009, 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 30th thereafter.
Mountain View-Los Altos
Jt. Union High School District

Plan for Expelled Plan
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 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.


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 that 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 Hearing1. 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). 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)) 8.

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(c)) 9.

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f)) The hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year. (See "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
Mountain View-Los Altos Union HSD
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
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
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COURT DECISIONS
Board of Education of Sacramento City Unified School District v. Sacramento County
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ATTORNEY GENERAL OPINIONS

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

Policy MOUNTAIN VIEW-LOS ALTOS UNION HIGH SCHOOL DISTRICT
adopted: October 23, 1995  Mountain View, California
revised: August 25, 1997
revised: May 11, 1998
revised: October 14, 2002
UNIFIED SCHOOL DISTRICTS
Gilroy Unified School District

Plan for Expelled Youth
SANTA CLARA COUNTY OFFICE
OF EDUCATION
AND
GILROY UNIFIED SCHOOL
DISTRICT
FOR THE IMPLEMENTATION 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.
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 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)
   - Gilroy Community School (Gilroy)
   - 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:

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 District Contracted Study (Independent Studies), if the parent agrees;
4. expulsion with placement to the Gilroy Community Day School program; or
5. suspended expulsion with placement at the Advanced Path program; or
6. expulsion with referral to the Santa Clara County office of Education independent study program (Central Independent High School)

Actual referral to such a placement may be made by the District Governing Board, with recommendations from 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.
   * Gilroy Unified and Morgan Hill Unified continue to place expelled students from each district at the other districts alternative educational sites.

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 Community Day school and Advance Path program. The Community Day School serves grades 7-10.

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 has been developed evented on a middle school campus.

7. The district Community Day School option for expelled students is working well and continues to serve expelled students from Gilroy Unified School District and on a limited basis Morgan Hill Unified.

**County/District strategy for addressing this gap:**
* Continue to develop more appropriate instructional strategies.
* Analyze the need to develop 2 schedules for student attendance.
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, continued enrollment in the Gilroy Community Day School 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 started in the Spring of 2006. Enrollment in the Elementary Program for expelled students is available to elementary students beginning in the Spring of 2009

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 program, the student is referred back to the district for possible review and re-placement.
Milpitas Unified School District

Plan for Expelled Youth
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 POLICY

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 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 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 education 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. Suspension 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 of expulsions, 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 education 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 has 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 expulsions procedures are set in process. The District may within the 10 school days 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 successfully show 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
6/13/97
STUDENTS

Suspension and Expulsion/Due Process

The board of Trustees has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

Suspended or expelled students shall be excluded from all school-related extracurricular activities during the period of suspension or expulsion, including all after-school and school activities on each day of the suspension or expulsion. If a school-related activity is scheduled for the evening of the last day of suspension or expulsion, the student will not be allowed to attend the activity as the suspension or expulsion ends at the beginning of the next school day.

Except 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 or when the student’s presence causes a danger to persons or property or threatens to disrupt the instructional process.

Except where expulsion for a first offense is warranted in accordance with law, expulsion shall be imposed only when other means of discipline are infeasible or have repeatedly failed to bring about proper conduct or when the student’s presence causes a continuing danger to the physical safety of the student or others.

The Board also grants authority to the Superintendent or designee to meet with a student and student’s parents regarding disciplinary referrals to assist the school in resolving student behavior problems. The Board authorizes the Superintendent or designee to use corrective action plans or behavior contracts and other alternative means to address student behavior, when the Superintendent or designee determine such plans are appropriate, as one possible (non-expulsion) alternative means of correcting student behavior.

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

Zero Tolerance

The Board supports 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 and requires that all offenders be punished to the fullest extent allowed by law. Staff shall immediately report to the Superintendent or designee any incidence of offenses specified in law, Board policy and administrative regulation as cause for suspension or expulsion.

The Superintendent or designee shall notify staff, students and parent/guardians about the District’s zero tolerance policy and the consequences which may result from student offenses and also ensure strict enforcement of this policy.
Suspension and Expulsion/Due Process (continued)

Student Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices and appeals as specified in administrative regulation and law.

On-Campus Suspension Program

The Board recognizes that students who are suspended from school often have no supervision or guidance during the school hours when they are off campus and may fall behind in the coursework. The Board believes that, in many cases, it would be better to manage the student’s behavior by keeping the student at school and providing supervision that is separated from the regular classroom.

The Superintendent or designee may establish a supervised in-house suspension program which meets the requirements of law for suspended students who pose no imminent danger or threat at school and for whom an expulsion action has not been initiated.

The Superintendent or designee shall examine alternatives to off-campus suspension and may establish a suspension program which involved progressive discipline during the school day on campus; use of conferences between staff, parents/guardians and students; detention; student study teams or other assessment-related teams; and/or referral to school support services staff. The use of such alternatives does not preclude off-campus suspensions.

Required Parental Attendance

The Board believes that parental involvement plays an important role in the resolution of classroom behavior problems. The Board expects that teachers will communicate with parents/guardians when behavior problems arise.

Whenever a student is removed from class for an obscene act, habitual profanity or vulgarity, disruption of school activities or otherwise willful defiance of valid staff authority, the teacher of the class from which the student was removed may provide that the student’s parent/guardian attend a portion of a school day in that class. The teacher shall apply this policy uniformly to all students within the classroom. The Superintendent or designee shall develop rules and procedures for implementing this policy.

Suspended Expulsion

In cases where expulsion is mandatory pursuant to the education code, 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.
Suspension and Expulsion/Due Process (continued)

Delegation of Authority Regarding Requests for Subpoenas

The Board of delegates its authority under education code to the Superintendent or designee to develop rules and regulations establishing a procedure for the filing and processing of requests for subpoenas. This delegation of authority does authorize the Superintendent or designee to issue subpoenas in the name of the Board.

Delegation of Authority for Expulsion Procedures

The Board delegates its authority under the education code to the Superintendent or designee to develop rules and regulations for expulsion procedures. Such rules and regulations shall include procedures to assist in conducting efficient and orderly Administrative Hearing Panel hearings and to assist in conducting the Board’s hearings on the Panel’s recommendations.

Delegation of Authority Regarding Readmission Procedure

The Board delegates its authority under the education code to the Superintendent or designee to develop rules and regulations establishing a procedure for the filing and processing of requests for readmission and the process for reviewing expelled students for readmission. The Superintendent or designee is directed to develop a procedure to review requests for readmissions and to develop a recommendation on each request for Board review and action. The student’s expulsion order remains in effect until the Board orders readmission of the student.

Legal Reference:
Education Code 212.5, 1981, 17292.5, 35146, 35291.5, 48660-48667, 48900-48927, 48950, 49073-49079
Civil Code 47, 48.8
Civil Code of Procedure 1985-1997
Title 20 7151
Government code 11455.20, 54950-54963
Health and Safety Code 11014.5, 11053-11058
Labor Code 230.7
Welfare and Institutions Code 729.9
Title 18 921
Title 20 7151
Court Decisions:
Policy Adopted: 1/10/08
Morgan Hill Unified School District

Plan for Expelled Youth
Meeting Date: May 19, 2009

Item Title: Approve Morgan Hill Unified School District Plan for the Implementation of Educational Codes 48916.1 and 48926, Educational Alternatives for Expelled Students.

Item Type: Discussion / Action

BACKGROUND:
Education Code Section 48926 requires each county superintendent of schools, in conjunction with the superintendents of the school districts within the county, to develop a plan for providing educational services to all expelled pupils in that county. It further requires that if significant changes have been made, the plan must be adopted by the governing board of each school district within the county and presented to the county board of education for information. It further requires each county superintendent, in conjunction with the superintendents of the school district to submit a triennial update to the plan. The original countywide/district plan was written in 1996 and triennial updates were completed and submitted in 1999, 2002, and 2006.

Attached for the Board’s review is a triennial revision to the Morgan Hill Unified School District Plan for the Implementation of Educational Codes 48916.1 and 48926, Educational Alternatives for Expelled Students. Please note that the revisions have been underlined in the plan. The revisions include:

- Language changed in the referral process to provide flexibility for District Student Study Team and/or SARB review as not all cases warrant their involvement (i.e. students being placed out of the district and into county programs).
- Gilroy community school was dropped from the list of placement options as this program is no longer available.
- Food service challenge was added to the list of gaps as the county director is struggling to provide suitable food service to the students in the county program.
FISCAL IMPLICATIONS: None

RECOMMENDED ACTION: Approve as submitted

Strategic Significance: 2007-09 Board Goal No. 1 – Student Achievement

Submitted by: Patricia Blanar, Director of Curriculum & Instruction
Michael Johnson, Assistant Superintendent, Educational Services

Approved for Submission to Board of Education

Dr. Alan K. Nishino, Superintendent
PLAN

FOR

THE IMPLEMENTATION OF

EDUCATION CODES 48916.1 AND 48926

(Educational Alternatives for Expelled Students)

Morgan Hill Unified School District

and

Santa Clara County Office of Education

Approved by MHUSD Board of Education: May 19, 2009
Pertinent Education Code Requirements

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.

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.

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 the county board of education.

The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in education services to expelled pupils, and recommending and implement 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 education 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 30th thereafter.
I. REFERRAL PROCESS

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 students 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 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.

II. PLACEMENT OPTIONS

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
- contracted independent study programs (IS) that require students to complete a minimum of twenty hours of educational product.

In most cases, students from the Morgan Hill Unified School district will be referred to classes at:

- South County Community School (currently located adjacent to the San Martin Elementary campus and serving Gilroy and Morgan Hill Unified School Districts).
- Southern Community School (formerly Calero Community School which is currently looking for a new site for the upcoming school year).

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

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

- suspended expulsion with placement on the same school campus (grades K-12)
• suspended expulsion with placement on different school campus within the District (grades K-12)

• suspended expulsion with placement on District Contracted Study (Independent Studies), if the parent agrees (grades K-12)

• expulsion with 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.

III. COUNTY AND DISTRICT GAPS AND STRATEGIES

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.

A. 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.

County/District strategy for addressing this gap:

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

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

County/District strategy for addressing this gap:

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

C. 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:

1) access to 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 booking, and record keeping;
2) 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;

3) the separation of students in grades K-6 from students in grades 7-8 also creates boundaries that will be financially and/or geographically difficult;

4) inability to locate on a comprehensive site is a further complication.

County/District strategy for addressing this gap:

Regional programs may be developed to reflect geographical or limited numbers; county operated community schools.

D. Community School Food Service for Student lunches meeting nutritional guidelines:

1) Due to the small numbers of students and associated costs, the logistics of providing food service within budgetary restraints has presented challenges.

County/District strategy for addressing this gap:

Regional solutions including but not limited to: contracting with local districts (Gilroy and/or Morgan Hill) to extend food service to the community schools and using ROP Food Service programs and curriculum to enable community school sites to become more self sufficient.
Palo Alto Unified School District

Plan for Expelled Youth
The California Education Code EC §48926 and EC §48916.1(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 education 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, Middle College, and Moffett High School) 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 30th 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 PAUSD 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 fills 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, Calero, the Foundry Community Schools.

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.

<table>
<thead>
<tr>
<th>GAP</th>
<th>SOLUTION STRATEGY</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>Refer the student to another Community Day school.</td>
</tr>
<tr>
<td>Students in grades K-5, are generally not recommended for expulsion, and there are few programs to address students in these grades.</td>
<td>Program(s) will be developed or existing programs expanded to respond to these limited referrals.</td>
</tr>
<tr>
<td>There are occasionally geographical distances between district and the COE programs for expelled students, thus assigning students to these programs may require busing.</td>
<td>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.</td>
</tr>
<tr>
<td>Students fail to meet their rehabilitation plan.</td>
<td>A meeting will be held with district and COE staff to analyze the issues and develop support for the student.</td>
</tr>
</tbody>
</table>
San Jose Unified School District

Plan for Expelled Youth
San Jose Unified School District

Plan for Expelled Students

The implementation of Education Codes 48916.1 and 48926

Don Iglesias, Superintendent

Bill Erlendson, Associate Superintendent
External Programs
Developed by

**Department of Student Services**
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The Student Services Department is grateful for the participation of the following individuals who assisted in the development of the Plan for Expelled Students

**Educational Options Office**
Dane Caldwell-Holden, Manager/Principal
San Jose Community School
Rosa Nieto, Principal
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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 to 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 another district program, a district Community Day School Program, a different district 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**
- Student assistance programs
- Support groups
- One-on-one counseling
- Student study teams
- Academic and emotional assessments
- Parent support meetings
- Alternative school placements
- Opportunity programs
- Role model program
- CWA services
- Vocational training
- Special educational services
- After school activities
- Conflict management
- Drug and alcohol services
- Gang prevention and intervention services

**Discipline**
- In-school suspension
- Off-campus suspension
- Modified school day
- Student contracts
- Suspension
- District discipline meeting
- Change of school placement

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 Educational Options’ Program
4) Suspended expulsion with placement at San Jose Community School
5) Expelled SDC students will be placed in a Special Education class at San Jose Community School
6) Expelled SDC students may be placed in a Special Education class in the County

7) Expelled with referral to San Jose Community School
8) Expelled with referral to the Santa Clara County Office of Education Court and Community School Program.
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 weekly with resource teacher.

Home Hospital

Kindergarten through twelfth grades; for students who are unable to attend the regular program due to mental or physical condition.

Academic instruction with certificated teacher; instruction in home/hospital or facility; instruction five hours a week for a specific time period.

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 weekly with resource teacher.

Home Hospital

Kindergarten through twelfth grades; for students who are unable to attend the regular program due to mental or physical condition.

Academic instruction with certificated teacher; instruction in home/hospital or facility; instruction five hours a week for specific time period.

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.

_Home Hospital_
Kindergarten through twelfth grades; for students who are unable to attend the regular program due to mental or physical condition.

Academic instruction with certificated teacher; instruction in home/hospital or facility; instruction five hours a week for specific time period.

_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 10th, 11th, and 12th 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 50 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 16 year olds in the 10th – 12th grades.

**County and District Gaps and Strategies in Education Services**
There are two 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) An elementary school student who has been expelled from the District under Education Code 48915 with no District Community Day School Program or a County operated Community School program.

**District strategy for addressing GAP 1:**
The district will work with the County Office of Education to identify the need for an elementary expelled student 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 or are sureno gang members 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.

**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 sureno gang member 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
- Placement in another District Community Day School
- Voluntary placement at Liberty Alternative School

3) 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.

**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 at Liberty Alternative School
Santa Clara Unified School District

Plan for Expelled Youth
Suspension and Expulsion/Due Process

POLICY

The Board of Trustees 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.

Except in cases where suspension or expulsion for a first offense is warranted in accordance with law, suspension or expulsion 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 or where mandated by law, 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 availability of all district policies and regulations dealing with student discipline, suspension and expulsion. (Education Code 35291, 35291.5)

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

Student Due Process

The Board shall provide for the fair treatment of students facing suspension and expulsion by affording them their due process rights under the law. The administration and staff shall comply with procedures for notices and appeals as specified in regulations. Procedures governing student due process shall conform in all aspects to provisions in law. (Education Code 48911, 48915 and 48915.50)

Whenever a student is suspended, school officials may (but are not required to) 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)

Cross Reference:

Legal Reference: E.C. 48900-48925
35146, 35291, 35291.5, 48912(b)
Govt. Code 54950

Policy Adopted: 12/6/73
Revised: 9/27/84
Revised: 1/10/85
Revised: 1/22/91
Revised: 12/8/92

Regulation Approved: 12/8/92
Regulation Revised: 2/29/96
Regulation Revised: 5/22/97
Regulation Revised: 5/28/98
Regulation Revised: 5/04/09
Required Parental Attendance

The board of Trustees believes that parental involvement plays an important role in the resolution of classroom behavior problems. The board expects that teachers will communicate with parent/guardians as behavior problems arise. The Board recognizes, however, that initial efforts sometimes fail to bring about improvement, and that current law enables parents/guardians to be absent from work without endangering their employment status in order to attend a portion of their child’s school day at a teacher’s request. Besides furthering improved classroom behavior, such attendance can promote positive parent-child interactions. When appropriate, the school may suggest parent counseling which may assist them in developing effective parenting skills.

Whenever a student is suspended from a class because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities or otherwise willfully defied valid staff authority, the teacher of the class from which the student was suspended may require the student’s parent/guardian to attend a portion of a school day in the class. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

Parental attendance may be required on the day the student returns to class or within one week thereafter. The principal or designee shall contact any parents/guardians who do not respond to the request to attend school. The Board recognizes that parental compliance with this policy may be delayed, modified or prevented by serious illness/injury/disability, absence from town, or inability to get certain release time from work.

The teacher shall apply this policy uniformly to all students within the classroom. (Education Code 48900.1)

District regulations and school site rules for student discipline shall include procedures for implementing parental attendance requirements.

This policy shall apply only to a parent/guardian who actually lives with the student. (Education Code 48980.1)

Parents/guardians shall be notified of this policy before it is implemented and at the beginning of each subsequent school year. (Education code 48900.1, 35291, 48980)
ADMINISTRATIVE REGULATION

Suspension and Expulsion/Due Process

I. Definitions

Suspension from school means removal of a student from ongoing instruction for adjustment purposes. Suspension does not mean 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, nor referral to a certificated employee designated by the principal to advise students, nor removal from the class without reassignment to another class or program for the remainder of the period, without sending the student to the principal or designee. (Education code 48925)

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

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

School day 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. (Education code 48925)

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

II. 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)

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)

III. 48900, Grounds for Suspension or Expulsion:

A pupil shall not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has:

   a. (1) Caused, attempted to cause, or threatened to cause physical injury to another person: or
         (2) Willfully used force or violence upon the person of another, except in self defense.
b. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred by the principal or the designee of the principal.

c. Unlawfully possessed, used, sold or otherwise furnished, or been under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) or Division 10 of Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.

d. Unlawfully offered, arranged, or negotiated to sell any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 20 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.

e. Committed or attempted to commit robbery or extortion.

f. Caused or attempted to cause damage to school property or private property.

g. Stolen or attempted to steal school property or private property.

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

i. Committed an obscene act or engaged in habitual profanity or vulgarity.

j. Had unlawful possession of, unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the health and Safety Code.

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

l. Knowingly received stolen school property or private property.

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

n. Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288a or 289 of the penal code or committed a sexual battery as defined in Section 243.4 of the penal Code.

o. Harassed, threatened or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness or both.

p. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
q. Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, "hazing" does not include athletic events or school-sanctioned events.

r. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel.

t. A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).

u. As used in this section, "school property" includes, but is not limited to, electronic files and databases.
48900.2 in addition to the reasons specified in Section 48900, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed sexual harassment as defined in Section 212.5. For the purpose of this chapter, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual’s academic performance or to create an intimidating, hostile, or offensive education environment. This section shall not apply to pupils enrolled in kindergarten and grades 1 to 3 inclusive.

§ 212.5. Sexual harassment

For purpose of this chapter, “Sexual harassment” means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or education setting, under any of the following conditions:

(a) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual’s employment, academic status, or progress.

(b) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.

(c) The conduct has the purpose or effect of having a negative impact upon the individual’s work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.

(d) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institutions.

48900.3. Hate violence

in addition to the reasons specified in Sections 48900 and 48900.2, a pupil in any of grades 4-12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, threatened to cause, or participated in an act of, hate violence, as defined in subdivision (e) of Section 33032.5, (Added by Stats. 1994, c. 1198 (A.B.2543), 6.)

48900.4. Additional grounds for suspension or expulsion; harassment, threats, or intimidation

In addition to the grounds specified in Sections 48900 and 48900.2, a pupil enrolled in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation directed against a pupil or group of pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect or materially disrupting class work, creating substantial disorder, and inviting the rights of that pupil or group of pupils by creating an intimidating or hostile educational environment. (added by stats. 1994, c. 1017 (A.B.2752), 1.

No pupil shall be suspended or expelled for any of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts 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.

It is the intent of the Legislature that alternatives to suspensions or expulsions be imposed against any pupil who is truant, tardy, or otherwise absent from school activities.

48900.7 Additional grounds for suspension or expulsion; terroristic threats against school officials, school property, or both

(a) In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4 a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.

(b) For the purposes of this section, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family’s safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family.

48915. (a) Except as provided in subdivisions (c) and (e), the principal or the superintendent of schools shall recommend a pupil’s expulsion for any of the following acts, unless the principal or superintendent finds, and so reports in writing to the governing board, that expulsion is inappropriate, due to the particular circumstance, which shall be set out in the report of the incident:

1. Causing serious physical injury to another person, except in self-defense.
2. Possession of any knife, explosive, or other dangerous object of no reasonable use to the pupil at school or at a school activity off school grounds.
3. Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the health and Safety Code, except for the first offense for the sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
4. Robbery or extortion.
5. Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.

(b) Upon recommendation by the principal, superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board may order a pupil expelled upon finding that the pupil committed an act listed in subdivision (a) or in subdivision (a), (b), (c), (d), (e) of Section 48900. A decision to expel shall be based on a finding of one or both of the following:
(1) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.

(2) Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.

(c) The principal or the superintendent of schools shall immediately suspend pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:

(1) Possessing, selling or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission is verified by an employee of a school district.

(2) Brandishing a knife at another person.

(3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) or Division 10 of the Health and Safety code.

(4) Committing or attempting to commit a sexual assault as defined in a subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.

(d) The governing board shall order a pupil expelled upon finding that the pupil committed an act listed in Subdivision (c), and shall refer that pupil to a program of study that meets all of the following conditions:

(1) Is appropriately prepared to accommodate pupils 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 pupil at the time of suspension.

(e) Upon recommendation by the principal, superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board may order a pupil expelled upon finding that the pupil, at school or at a school activity off of school grounds violated subdivision (f), (g), (h), (i), (j), (k), (l), (m), (n), or (o) of Section 48900, or Section 48900.2, 48900.3, 48900.4 or 48900.7 and either of the following:

(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 pupil causes a continuing danger to the physical safety of the pupil or others.

(f) The governing board shall refer a pupil who has been expelled pursuant to subdivision (b) or (e) to the program of study that meets all of the conditions specified in subdivision (d). Notwithstanding this subdivision, with respect to a pupil expelled pursuant to subdivision (e), if the county superintendent of schools certifies that an alternative program of study is not available at a site away from a comprehensive middle, junior, or senior high school, or an elementary school, and that the only option for placement is at another comprehensive middle, junior, or senior high school, or another elementary school, the pupil may be referred to a program of study that is school, or at an elementary school.
(g) As used in this section, “knife” means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3 1/2 inches, a folding knife with a blade that locks into place, or a razor with an upgraded blade.

Suspension

IV. Authority to Suspend

A Teacher may suspend any student from the teacher’s class for any of the acts listed under Grounds for Suspension and Expulsion above, for the day of the suspension and the day following. (Education Code 48910)

A Superintendent, principal, or principal’s designee may suspend a student from a school for any of the acts listed under Grounds for Suspension and Expulsion above, for not more than five consecutive school days. The principal may suspend upon a first offense, if the principal determines the student violated times (a, b, c, d, e,) and the student’s presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5 and 48911)

The Board may suspend a student from school for any of the acts listed under Grounds for Suspension and Expulsion above, 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 or class, in which case suspension shall not exceed 30 days in any school year. (Education code 48903 and 48912)

V. Procedures Prior to Suspension

Notice to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245, any student possession of weapons or firearms in violation of Penal Code 626.9 or 626.10, and any student possession of narcotics or controlled substances. (Education code 48902)

Parental Notice upon Release of Minor to Peace Officer

When a principal or other school official releases a student to a peace officer in order to remove the minor from school premises, he/she shall take immediate steps to notify the student’s parent/guardian or responsible relative regarding the student’s release and the place to which the student is reportedly being taken. This notification shall not be made, however, when the student is a victim of suspected child abuse, in which case the district must provide the parent/guardian’s address and telephone number to the officer. (Education Code 48906)

VI. Suspension Procedures

A. Suspension from Class by a Teacher

Suspension from class means the removal of a student from class by a teacher 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.
This 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 or guardian to attend a parent-teacher conference regarding the suspension. A counselor or psychologist should attend the conference if it is practicable and a school administrator may attend if either the parent/guardian or teacher so request.

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

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

The teacher of any class from which a student is suspended may require the suspended student to complete any assignments and tests missed during the suspension. (Education Code 48911)

When a teacher requires a parent/guardian to attend school in accordance with Board policy, the principal shall send the parent/guardian a written notice that the parent/guardian’s attendance is pursuant to law. (Education code 48900.1)

1. This notice shall also tell the parent/guardian when his/her presence is expected and by what means he/she may arrange any necessary change.

2. The notice shall describe the protections afforded to the parent/guardian as an employee by Labor code 230.7.

3. The notice shall state that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student.

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

B. Suspension by Superintendent, principal, or Principal’s Designee

1. Informal Conference

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

This conference may be omitted if the principal, designee or the Superintendent determines that an emergency situation exist. An “emergency situation” involves a clear and present danger to the lives, safety or health of students or school personnel. If the pre-suspension conference is not held, both the parent/guardian and student shall be notified of the student’s right to return to school for the purpose of a conference. The conference shall be held within two school days, unless the student waives his/her right to it or it’s 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. Administration

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

The principal or designee shall report the suspension, including the name of the student and the cause for the suspension, Option 1 to the Superintendent, Option 2 to the Board.

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 request without delay.

4. Parent/Guardian Conference

Whenever a student is suspended, school officials are permitted to 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 re-admission solely because the parent/guardian failed to attend.

5. Extension of Suspension

If the expulsion of a suspended student is being considered by the Board, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision. (Education Code 48911(g))

This extension may be made only if the Superintendent or designee has determined, following a meeting with the student and the student’s parent/guardian, 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. Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold an additional conference concerning the extension, giving the student a further opportunity to be heard. Education code 48911 (g) and Montoya v. Sanger Unified School District

C. Suspension by the Board

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.

However, the Board shall provide the student with written notice of the closed session by registered or certified mail and the student may request a public meeting. The request shall be granted if made in writing within forty-eight (48) hours after receipt of the Board’s notice. However, any discussion that conflicts with any other student’s right to privacy shall be in closed session. (Education code 48912 and 351456)
VII. Authority to Expel

A. A student may be expelled only by the Governing Board.

B. The Board may order a student expelled for any of the acts listed under Grounds for Suspension and Expulsion above, (See III, on 5266 Page 2), upon recommendation by the principal, Superintendent, hearing officer or administrative panel finding that the student violated one of the acts listed under Grounds for Suspension and Expulsion and other means of correction are not feasible or have repeatedly failed to bring about proper conduct; or due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others. (Education code 48900)

VIII. Expulsion Procedures

A. Student’s Right to Hearing (Education code 48918 (a))

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within thirty (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 thirty (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 or designee may, for good cause, extend the time period by an additional five (5) school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held.

B. Written Notice of the hearing (Education Code 48918 (b))

Written notice of the hearing shall be forwarded to the student and the student’s parent/guardian at least ten (10) calendar days before the date of the hearing. The notice shall include:

1. The date and place of the hearing.

2. A statement of the specific facts and charges upon which the proposed expulsions is based.

3. A copy of district disciplinary rules which relate to the alleged violation.

4. The opportunity for the student or the student’s parent/guardian to appear in person or to employ and be represented by counsel.

5. The right to inspect and obtain copies of all documents to be used at the hearing.

6. The opportunity to confront and question all witnesses who testify at the hearing.

7. The opportunity to question all evidence presented and to present oral and documentary evidence in the student’s behalf, including witnesses.
C. **Conduct of 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 (5) 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, counsel of the student and counsel of the parent/guardian shall also be allowed to attend the closed session. (Education Code 48918 (c))

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

3. **Presentation of Evidence**: While technical rules of evidence do not apply to such hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel must be supported by substantial evidence that the student committed any of the above acts listed under Grounds for Suspension and Expulsion above, (See III, on 5266 Page 2). Findings of fact shall be based solely on the evidence at the hearing. While no evidence 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)). John A. v San Bernardino S.D.)

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

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

5. **Decision Within Forty (40) Days**: If the Board does not meet on a weekly basis, its decision on whether to expel a student shall be made within forty (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))

6. **Maintenance of Records**: The Board will maintain a record of each expulsion, including the cause therefore. The expulsion record shall be maintained in the student’s mandatory interim record and sent to any school in which the student subsequently enrolls within five (5) days of a written request by the admitting school. (Education Code 48918 (j))

D. **Alternative Hearing: Hearing Officer or Administrative Panel**

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer, or with the Office of Administrative Hearings of the State of California for a hearing officer. Alternatively, the Board may appoint an impartial administrative panel composed of three (3) or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918 (d))

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures as apply to a hearing conducted by the Board as specified in Conduct of Hearing, above.
The hearing officer or administrative panel shall, within three (3) school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the student shall be immediately reinstated. (See Reinstatement, below)

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

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

The Board shall make its decision about the student’s expulsion within forty (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))

E. **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 pane, the final action to expel must be taken by the Board at a public meeting. (Education code 48918 (a))

F. **Reinstatement**

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

G. **Written Notice to Expel**

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

IX. **Re admission: Plan for Rehabilitation** (Education coder 48916)

Upon order an expulsion for an act other than those described in subdivision (c) of Section 48915., the governing board shall set a date not later than the last day of the semester following in which the expulsion occurred, when the pupil shall be reviewed for readmission to a school maintained by the district or to the school the pupil last attended. For a pupil who has been expelled pursuant to subdivision (c) of Section 48915, the governing board shall set a date of one year from the date the expulsion occurred, when the pupil shall be reviewed for readmission to a school maintained by the district, except that the governing board may set an earlier date for readmission on a case-by-case basis.

A. Periodic review and assessment at the time of application for re admission.
B. Recommendations for counseling, employment, community service and other rehabilitation programs.
C. Such other recommendations as the Board approves.
X. Readmission

A. A written request for review of expulsion action and request for re-admission shall be submitted by the parent/guardian to the Superintendent or designee.

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

C. The Superintendent will transmit the request for re-admission to the Board, along with his/her recommendation. The Board may consider the request in closed session or in open session. If a written request for open session is received from the student or the parent/guardian, it will be honored.

XI. Suspension of Expulsion (Education Code 48917)

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

B. During this period the student shall be on a probationary status.

C. 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, (See III, on 5266 Page 2) or violates any of the district’s rules and regulations governing student conduct.

D. When the suspension of expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.

E. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expungement of any or all records of the expulsions proceedings.

XII. Right to Appeal

The student or parent/guardian is entitled to file an appeal of the Board’s decision to the County Board.

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.

XIII. Information Regarding Expulsions

The Superintendent or designee shall, within five working days, honor any other district’s request for information about expulsions from this district. (Education Code 48915.1)
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 30th 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)

County Options

4. Suspended expulsion with placement at Santa Clara Community School, which offers 300-360 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 Day Class students.

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