

~~Santa Rosa City Schools~~

CSBA Sample

Administrative Regulation

Suspension And Expulsion/Due Process

AR 5144.1

Students

~~Translation of Administrative Regulation~~

~~This Administrative Regulation shall be given to a student, and his/her parent/guardian, that is facing an expulsion hearing, as well as upon request. Such administrative regulation shall be translated into the primary language of the student, and his/her parent/guardian, in so far as practicable in accordance with State and Federal Law(s).~~

~~Expulsion~~

~~— Definitions~~

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

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level
2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910

~~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 Education Code 46300. (Education Code 48900 (b))~~

~~Firearm means any device, designed to be used as a weapon, from which is expelled through a barrel a projectile by the force of any explosion or other form of combustion. (Penal Code 12001)~~

~~Explosives shall, for the purpose of this policy, include all components of 18 USC 921 (a)(4), "destructive device", which includes any explosive, incendiary, poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine or any devices similar to any of the devices described above. The term "explosive" shall also include any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter and any combination of parts either designed or intended for use in converting any device into any destructive device described above and from which a destructive device may be readily assembled. For purpose of this policy, a shotgun shall be considered a firearm and a shotgun shell shall be considered a dangerous object of no reasonable use to a student.~~

~~Knife means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3 1/2 inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.~~

~~.. (Education Code 48900 (g))48925)~~

~~Assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on~~
Notice of Regulations

At the person of another (Penal Code 240).

~~Battery is any willful and unlawful use~~beginning ~~of force or violence upon~~each school year, the person~~principal~~ of another (Penal Code 242).

~~Terroristic Threat~~each school shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result~~ensure that all students and parents/guardians are notified in death, great bodily injury to another person, or property damage in excess~~writing of 1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face~~all school rules related to discipline, including suspension 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/her own safety or for his/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's safety, or for the protection of school district property, or the personal property of the person threatened or his/her immediate family.~~expulsion. (Education Code 35291, 48900.7(b))1, 48980)

~~Legal Counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California. (Education Code 48918(b)(5))~~

~~Non-attorney Advisor means an individual who is not an attorney or lawyer, but who is familiar~~

~~with the facts of the case and has been selected by the student or the student's parent/guardian to provide assistance at the hearing. (Education Code 48915(b)(5))~~

~~Expulsion: Authority to Expel~~

~~A student may be expelled only by the Board of Education.~~

~~Expulsion: (cf. 5144 - Discipline)
(cf. 5145.6 - Parental Notifications)~~

Grounds for Suspension and Expulsion: Grades K-12

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows and in the sections "Additional Grounds for Suspension and Expulsion: Grades 4-12" and "Additional Grounds for Suspension and Expulsion: Grades 9-12" below:

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

~~A student may not be expelled for any of the acts enumerated in this section 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 student may be expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, while on school grounds, while going to or coming from school, during the lunch period whether on or off the campus, and during, or while going to or coming from, a school sponsored activity. (Education Code 48900 (r))~~

~~1. Except as provided in Education Code 48915 (c) and (e), the principal or the Superintendent of Schools shall recommend the expulsion of a student for any of the following acts committed at school or at a school activity off school grounds, unless the principal or Superintendent finds, that expulsion is inappropriate, due to the particular circumstance (Education Code 48915):~~

~~a. Causing serious physical injury to another person, except in self-defense.~~

~~b. Possession of any knife or other dangerous object of no reasonable use to the student. 1~~

~~c. 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 possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.~~

~~d. Robbery or extortion.~~

e. ~~Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.~~

2. ~~Upon recommendation by the principal, Superintendent, or hearing officer/administrative panel the Board may order a student expelled upon finding that the student violated Education Code 48915 (c) or violated Education Codes 48900 (a-e):~~

a. ~~Caused, attempted to cause, or threatened to cause physical injury to another person. (Education Code 48900(a; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code 48900(a) and (t))~~

b

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, ~~which is concurred in by~~with the principal or ~~the designee of the principal.~~designee's concurrence (Education Code 48900(b))

~~c(cf. 5131 - Conduct)
(cf. 5131.7 - Weapons and Dangerous Instruments)~~

3. Unlawfully possessed, used, sold, ~~or~~, otherwise furnished, or ~~been~~was under the influence of; any controlled substance ~~listed as defined in Chapter 2 (commencing with Section 11053) of Division 10 of the~~Health and Safety Code, ~~an 11053-11058,~~ alcoholic beverage, or ~~an~~intoxicant of any kind. (Education Code 48900(c))

~~d(cf. 3513.4 - Drug and Alcohol Free Schools)
(cf. 5131.6 - Alcohol and Other Drugs)~~

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance ~~listed as defined in Chapter 2 (commencing with Section 11053) of Division 10 of the~~Health and Safety Code, ~~an 11053-11058,~~ alcoholic beverage, or ~~an~~intoxicant of any kind, and then ~~either~~ sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented ~~the liquid, substance, or material~~same as ~~a~~such controlled substance, alcoholic beverage, or intoxicant. (Education Code 48900(d))

e5. Committed or attempted to commit robbery or extortion. (Education Code 48900(e))

f. ~~A decision to expel shall be based on a finding of one or both of the following:~~

(1) ~~That other means of correction are not feasible or have repeatedly failed to bring about~~

~~proper conduct, or~~

~~(2) — That due to the nature of the act, the presence of the student causes a continuing danger to the physical safety of the student or others. (Education Code 48915(b)(1)(2))~~

~~3. — The principal or the Superintendent of Schools shall immediately suspend pursuant to Education Code 48911 and shall recommend to the Board the expulsion of a student that he or she determines has committed any of the following acts at school or at a school activity off-school grounds:~~

~~a. — Possession, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the student had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. — This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee or a school district.~~

~~b. — Brandishing a knife at another person~~6~~.~~

~~c. — Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.~~

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

~~e. — Possession of an explosive. (Education Code 48915(c))~~

~~4. — The Board shall order a student expelled upon finding that the student committed an act listed in (Education Code 48915(c)), and shall refer that student to a program of study that meets all the following conditions:~~

~~a. — Is appropriately prepared to accommodate students who exhibit discipline problems.~~

~~b. — Is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school.~~

~~c. — Is not housed at the school site attended by the student at the time of the suspension. — (Education Code 48915(d))~~

~~5. — The Board may order a student expelled upon recommendation by the principal, Superintendent, hearing officer/administrative panel and upon finding that the student violated any of the following (Education Code 48915(e)):~~

~~a. — Caused or attempted to cause damage to school property or private property. — (Education Code 48900(f))~~

~~b. — Stolen^{7.} Stole or attempted to steal school property or private property. (Education~~

Code 48900(g))

~~e8.~~ Possessed or used tobacco, ~~or any~~ products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, ~~cigars~~, miniature cigars, ~~clover~~clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. ~~However, except that this does restriction shall not prohibit use or possession by a student of his/her own from using or possessing~~ prescription products. (Education Code 48900(h))

d(cf. 5131.62 - Tobacco)

9. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900(i))

~~e.~~ ~~Had unlawful possession of or unlawfully~~ 10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5. (Education Code 48900(j))

~~f.~~ ~~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.~~ 11 (Education Code 48900(k))

g. Knowingly received stolen school property or private property. (Education Code 48900(l))

h12. Possessed an imitation firearm. ~~As used in this section, "imitation~~ (Education Code 48900(m))

Imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))

i13. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))

14. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code 48900(o))

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

16. Engaged in, or attempted to engage in, hazing (Education Code 48900(q))

Hazing means a method of initiation or pre-initiation into a student 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 student. Hazing does not include athletic events or school-sanctioned events. (Education Code 48900(q))

17. Engaged in an act of bullying (Education Code 48900(r))

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to self or property; cause the student to experience a substantially detrimental effect on physical or mental health; or cause the student to experience substantial interferences with academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school. (Education Code 48900(r))

Bullying includes any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 and below in the section "Additional Grounds for Suspension and Expulsion: Grades 4-12," that has any of the effects described above on a reasonable student.

Bullying also includes an act of cyber sexual bullying by a student through the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording that depicts a nude, semi-nude, or sexually explicit photograph or other visual recording of an identifiable minor, when such dissemination is to another student or to school personnel by means of an electronic act and has or can be reasonably predicted to have one or more of the effects of bullying described above. Cyber sexual bullying does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

Electronic act means the creation or transmission originated on or off the school site by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication including, but not limited to: (Education Code 48900(r))

a. A message, text, sound, video, or image

b. A post on a social network Internet web site, including, but not limited to, posting to or creating a burn page or creating a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

Reasonable student means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of the student's age, or for a person of the student's age and disability.

(Education Code 48900(r))

(cf. 1114 - District-Sponsored Social Media)

(cf. 5131.2 - Bullying)

(cf. 6163.4 - Student Use of Technology)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6164.6 - Identification and Education under Section 504)

18. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31 (Education Code 48900(t))

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

A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code 48900.7)

Additional Grounds for Suspension and Expulsion: Grades 4-12

A student in grades 4-12 shall be subject to suspension or recommendation for expulsion when it is determined that the student:

1. Committed sexual harassment as defined in Education Code 212.5. ~~This~~ (Education Code 48900.2)

Sexual harassment means conduct ~~must be~~ which, when considered ~~by~~ from the perspective of a reasonable person of the same gender as the victim ~~to be, is~~ sufficiently severe or pervasive as to have a negative impact upon the ~~individual's~~ victim's academic performance or to create an intimidating, hostile, or offensive educational environment. ~~This sub-section shall not apply to students enrolled in kindergarten and grades 1 to 3, inclusive. (Education Code~~ (Education Code 212.5, 48900.2)

j(cf. 5145.7 - Sexual Harassment)

2. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code ~~33032.5(e). This sub-section applies to students enrolled in any of-~~

~~grades 4 to 12, inclusive.233~~ (Education Code 48900.3)

~~Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)~~

(cf. 5145.9 - Hate-Motivated Behavior)

~~3. Intentionally engaged in harassment, threats, or intimidation, directed against a student, district personnel or group of students, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of that students school personnel or group of students by creating an intimidating or hostile educational environment. This sub-section applies to students enrolled in any of grades 4 to 12, inclusive. And either of the following: (Education Code 48900.4)~~

~~(1) — That~~ (cf. 5145.3 - Nondiscrimination/Harassment)

Additional Grounds for Suspension and Expulsion: Grades 9-12

Any student in grades 9-12 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying 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))

(cf. 5131.4 - Student Disturbances)

Suspension from Class by a Teacher

A teacher may suspend a student from class for the remainder of the day and the following day for any of the acts specified in Education Code 48900 and listed as items #1-18 under "Grounds for Suspension and Expulsion: Grades K-12" above or for disruption or willful defiance at any grade level, including grades K-8. (Education Code 48910)

When suspending a student from class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. If

that action requires the continuing presence of the student at school, the student shall be appropriately supervised during the class periods from which the student has been suspended. (Education Code 48910)

As soon as possible after the teacher decides to suspend the student, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the suspension. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code 48910)

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

A student suspended from class shall not be placed in another regular class during the period of suspension. However, a student assigned to more than one class per day may continue to attend 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 student to complete any assignments and tests missed during the removal. (Education Code 48913)

Suspension by Superintendent, Principal or Principal's Designee

To implement disciplinary procedures at a school site, the principal may, in writing, designate as the principal's designee another administrator or, if the principal is the only administrator at the school site, a certificated employee. As necessary, the principal may, in writing, also designate another administrator or certificated employee as the secondary designee to assist with disciplinary procedures when the principal and the principal's primary designee are absent from the school site.

The Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity to have committed any of the acts listed in the Board policy under "Authority to Expel" for which a recommendation of expulsion is required. (Education Code 48915(c))

The Superintendent, principal, or designee may impose a suspension for a first offense if it is determined that the student violated any of items #1-5 listed under "Grounds for Suspension and Expulsion: Grades K-12" above or if the student's presence causes a danger to persons. (Education Code 48900.5)

For all other offenses, a student may be suspended only when the Superintendent or principal has

determined that other means of correction are not feasible or have repeatedly failed to bring about proper conduct, or. (Education Code 48900.5)

(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.

6. — When other means of correction are implemented prior to imposing suspension or supervised suspension upon a student, the Superintendent, principal, or designee shall document the other means of correction used and retain the documentation in the student's record. (Education Code 48900.5)

(cf. 5125 - Student Records)

Length of Suspension

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days. (Education Code 48911)

A student may be suspended from school for not more than 20 school days in any school year. However, if a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class for the purpose of adjustment, the student may be suspended for not more than 30 school days in a school year. The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903, 48911, 48912)

(cf. 6184 - Continuation Education)

These restrictions on the number of days of suspension shall not apply when the suspension is extended pending an expulsion. (Education Code 48911)

Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

1. Informal Conference: Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee with 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, including the other means of correction that were attempted before the suspension as required pursuant to Education Code 48900.5, and the evidence against the student, and shall be given the opportunity to present the student's version and evidence. (Education Code 48911)

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the

parent/guardian and student shall be notified of the student's right to return to school for the purpose of the conference and the conference shall be held within two school days, unless the student waives the right to it or is physically unable to attend for any reason. In such a case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

2. Administrative Actions: All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)

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 also be notified in writing of the suspension. (Education Code 48911)

This notice shall state the specific offense committed by the student. (Education Code 48900.8)

In addition, the notice may state the date and time when the student may return to school.

4. Parent/Guardian Conference: Whenever a student is suspended, school officials may request a meeting with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

If school officials request to meet with the parent/guardian, the notice may state that the law requires the parent/guardian to respond to such requests without delay. However, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied reinstatement solely because the parent/guardian failed to attend the conference. (Education Code 48911)

5. Extension of Suspension: If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision, provided the following requirements are followed: (Education Code 48911)

a. The extension of the original period of suspension is preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension.

b. The Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

c. If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. (Education Code 48853.5, 48911, 48918.1)

(cf. 6173.1 - Education for Foster Youth)

d. If the student involved is a homeless child or youth, the Superintendent or designee shall notify the district liaison for homeless students. (Education Code 48918.1)

(cf. 6173 - Education for Homeless Children)

In lieu of or in addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct the behavior and keep the student in school.

Suspension by the Board

The Board may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," and "Additional Grounds for Suspension and Expulsion: Grades 9-12" above and within the limits specified under "Suspension by Superintendent, Principal, or Designee" 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. 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 shall hold a closed session if a public hearing would lead to disclosure of information that would violate a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

(cf. 9321 - Closed Session)

The Board shall provide the student and parent/guardian with written notice of the closed session by registered or certified mail or personal service. Upon receiving this notice, the student or parent/guardian 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 35146, 48912)

On-Campus Suspension

A student for whom an expulsion action has not been initiated and who poses no imminent danger or threat to the school, students, or staff may be assigned to on-campus suspension in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The on-campus suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The on-campus suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. The student shall be responsible for contacting the student's teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to an on-campus suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification may be made in writing. (Education Code 48911.1)

Superintendent or Principal's Authority to Recommend Expulsion

Unless the Superintendent or principal determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, the Superintendent or principal shall recommend a student's expulsion for any of the following acts: (Education Code 48915)

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife or other dangerous object of no reasonable use to the student

3. Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-11058, except for (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication or other medication prescribed by a physician

4. Robbery or extortion ~~The Board shall refer a student who has been expelled pursuant to Education Code 48915 (b) or (c) to a program of study that meets all the conditions specified in Education Code 48915(d). However, students expelled pursuant to Education Code 48915 (e) may be referred to a comprehensive middle, junior, or senior high school, or an elementary school, 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. (Education Codes 48900(f)~~

Expulsion: Procedures

1. ~~Recommendation to Board of Education~~

a. ~~Where the principal or Superintendent recommends to the Board~~

5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

In determining whether or not to recommend the expulsion of a student, he will prepare a report of the case to include:

(1) ~~The student's academic and attendance records.~~

(2) ~~A chronological account of the development of the case and a statement of the conduct and recitation of the facts leading to the decision to recommend expulsion.~~

(3) ~~A description of actions taken by the school to correct the student's previous misbehavior and the effect the corrective action has had on Superintendent, principal, or designee shall act as quickly as possible to ensure that the student.~~

(4) ~~A record of contacts with other agencies and the results of such contacts.~~

(5) ~~A description of contacts with the parents/guardian made by school personnel, including the purpose of the contacts, apparent reaction of parents or guardians, and effect on the student's behavior.~~

(6) ~~A copy of the summary of the final parent-student-principal conference, if any~~

(7) ~~A recommendation as to the does not lose instructional time when the case should be reviewed, and the conditions, if any, which should be met before the student's return to school. (Education Code 48915)~~

b. ~~— This report may be used by the Board in determining disciplinary action should it find that the student committed any of the acts enumerated in Grounds for Expulsion above.~~

c. ~~— A copy of the report shall be provided to the student and student's parent/guardian.~~

~~2.~~ Student's Right to Expulsion Hearing

a. ~~— An~~

Any student recommended for expulsion shall be entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within ~~thirty~~30 school days after the ~~date the principal or the Superintendent of schools,~~ principal, or designee determines that the student has committed ~~any of the act(s) that form the acts enumerated in~~ basis for the expulsion recommendation. (Education Code 48900. (see Grounds for Expulsion)

b. ~~— The student may request in writing 48918(a))~~

The student is entitled to at least one postponement of ~~the an~~ expulsion hearing for a period of not to exceed ~~thirty~~more than 30 calendar days of an expulsion hearing. Any additional. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion of the Board. (Education Code 48918(a))

c. ~~— The Superintendent or the Superintendent's~~If the Board finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, ~~the Superintendent or~~ designee may, for good cause, extend the time period ~~for the expulsion hearing for~~by an additional five school days, ~~in the event that compliance by the Board with the time requirements is impracticable.~~ Reasons for the extension ~~of the time for the hearing~~ shall be included as a part of the record at the time when the expulsion hearing is ~~conducted. held.~~ (Education Code 48918(a))

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))

Once the hearing ~~begins, it starts,~~ all matters shall be ~~conducted~~pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

Stipulated Expulsion

After a determination that a student has committed an expellable offense, the Superintendent, principal, or designee shall offer the student and parent/guardian the option to waive a hearing

and stipulate to the expulsion or to a suspension of the expulsion under certain conditions. The offer shall be made only after the student or parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code 48918.

The stipulation agreement shall be in writing and shall be signed by the student and parent/guardian. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of the right to have a full hearing, to appeal the expulsion to the County Board of Education, and to consult legal counsel.

A stipulated expulsion agreed to by the student and parent/guardian shall be effective upon approval by the Board.

Rights of Complaining Witness

3. _____

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

1. _____ Receive five days' notice of the scheduled testimony at the hearing
2. _____ Have up to two adult support persons present at the hearing at the time the witness testifies
3. _____ Have a closed hearing during the time the witness testifies

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee 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 ~~(Education Code 48918(b))~~

Written notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days ~~prior to before~~ the date of the hearing. ~~Such notice shall be in the primary language of the parent/guardian in so far as is practicable. Such~~ The notice shall include: (Education Code 48900.8, 48918(b))

a1. The date and place of the hearing-

b2. A statement of the specific facts ~~and~~, charges, and offense upon which the proposed expulsion is based-

e3. A copy of district disciplinary rules ~~of the district~~ which relate to the alleged violation-

d. ~~A notice~~4. Notification of the ~~parent/guardian or~~ student's or parent/guardian's obligation, pursuant to ~~subdivision (b) of Section~~ Education Code 48915.1, to ~~notify~~ provide information about the student's status in the district to any other ~~school~~ district in which the student ~~attempts to enroll of the student's suspension~~ seeks enrollment

This obligation applies when a student is expelled for an offense listed in Section acts other than those described in Education Code 48915. (see Grounds for Expulsion)(a) or (c).

e(cf. 5119 - Students Expelled from Other Districts)

5. The opportunity ~~offor~~ the student or the student's parent/guardian to:

(1) ~~Appear~~ appear in person or ~~to employ and~~ be represented by legal ~~counselor a non-~~ attorney ~~adviser, counsel or by a nonattorney adviser~~

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

Nonattorney adviser means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. ~~(2) Inspect~~ The right to inspect and obtain copies of all documents to be used at the hearing-

(3) ~~Confront~~7. The opportunity to confront and question all witnesses who testify at the hearing-

(4) ~~Question~~8. The opportunity to question all evidence presented, and to present oral and documentary evidence on the student's behalf, including witnesses-

f. ~~In a hearing in which a student is alleged to have committed or attempted to commit a sexual assault as specified in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of 48900, a complaining witness shall be given five days' notice prior to being called to testify, and shall be entitled to have up to two adult support persons, including, but not limited to, a parent, guardian, or legal counsel, present during their testimony. Prior to a complaining witness testifying, support persons shall be admonished that the hearing is confidential. Nothing in this subdivision shall preclude the person presiding over an expulsion-~~

~~hearing from removing a support person whom the presiding person finds is disrupting the hearing. If one or both of the support persons is also a witness, the provisions of Section 868.5 of the Penal Code shall be followed for the hearing.~~

4. ~~Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students~~

If the student facing expulsion is a foster student, the Superintendent or designee shall also send notice of the hearing to the student's attorney and a representative of an appropriate child welfare agency at least 10 days prior to the hearing. (Education Code 48918.1)

If the student facing expulsion is a homeless student, the Superintendent or designee shall also send notice of the hearing to the district liaison for homeless students at least 10 days prior to the hearing. (Education Code 48918.1)

Any notice for these purposes may be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

Conduct of Expulsion Hearing

a

1. Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public; unless the student requests in writing at least five days prior to the hearing, that the hearing be conducted at a public meeting. If such a request is made of the Board, the meeting shall be public. Whether the expulsion hearing is held in closed or public session, the board may meet in closed session to deliberate and determine whether the student should be expelled. The parent/guardian of the student, the student, and the counsel of the student, shall be allowed to attend the closed session if the Board admits any the extent that privacy rights of other person to the closed session students are not violated. (Education Code 48918-(e))

b. ~~Public Meeting,~~

Whether the expulsion Rights of Complaining Witness. If the hearing is to be conducted at a held in closed or public meeting; session, the Board may meet in closed session to deliberate and there is determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student also shall be allowed to attend the closed session. (Education Code 48918(c))

If a hearing that involves a charge of committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in

~~subdivision (n) of Section 48900 is to be conducted in public~~, a complaining witness shall have the right to ~~have his/her testimony heard~~ testify in ~~aclosed~~ session ~~closed to the public~~ when testifying ~~at a~~ public ~~meeting~~ would threaten serious psychological harm to the ~~complaining~~ witness and ~~when~~ there are no alternative procedures to avoid the threatened harm, including, but not limited to, ~~a~~ videotaped deposition or contemporaneous examination in another place communicated to the hearing room by ~~means of~~ closed-circuit television. ~~(Education Code 48918(c))~~

e2. Record of ~~the~~ Hearing: ~~A record of the hearing shall be made. Such record and~~ may be maintained by any means, including electronic recording, ~~soas~~ long as a reasonably accurate ~~written~~ and complete written transcription of the proceedings can be made. ~~(Education Code 48918(e))~~

d. ~~Failure to Make Objections: If the student, parent/guardian or attorney fails to object at the hearing that these rules are not being properly followed, or that any other law or requirement of due process is not being followed, the objections shall be deemed waived.~~

e. ~~Presentation of Evidence: Upon a finding that good cause exists, the Board or hearing officer/administrative panel may determine that either the identity of a witness or the testimony of the witness at the hearing, or both may subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations which shall be examined only by the Board or the hearing officer/administrative panel. Copies of these sworn declarations, which are edited to delete the name and identity of the witness, shall be made available to the student. (Education Code 48918(f))~~

f. ~~Expulsion Cannot Be Based Entirely On Hearsay Evidence: The decision of the Board to expel a student shall be based upon substantial evidence relevant to the charges adduced at the expulsion hearing or hearings. Except as provided in this section, no evidence to expel shall be based solely on hearsay evidence. (Education Code 48918 (f))~~

g. ~~Technical Rules of Evidence Do Not Apply: Technical rules of evidence shall not apply to the hearing except that relevant evidence may be admitted and used as proof only if it is the kind of evidence which reasonable persons are accustomed to rely on in the conduct of serious affairs. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action. The decision of the Board to expel shall be based upon the substantial evidence showing that the student committed any of the above acts enumerated in Grounds for Expulsion. (Education Code 48918(h))~~

h. ~~Hearings Which Include Section 48900(n) Allegations. In hearings which include an allegation of committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900, evidence of specific instances, of a complaining witness' prior sexual conduct is to be presumed inadmissible and shall not be heard absent a determination by the person conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before the person~~

~~conducting the hearing makes the determination on whether extraordinary circumstances exist requiring that specific instances of a complaining witness' prior sexual conduct be heard, the complaining witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the 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 the complaining witness is not admissible for any purpose.~~

~~i~~

3. Subpoenas:

~~(1) — Before the commencing a student expulsion hearing ~~has commenced~~, the Board may issue subpoenas, at the request of either the student or the Superintendent, the Superintendent's or designee, ~~or the student~~. Subpoenas ~~shall only be issued~~ for the personal appearance of ~~percipient witnesses at the hearing~~ at the hearing of any person who actually witnessed the action 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, the Superintendent's of Schools or designee, ~~or the student~~. All subpoenas shall be issued in accordance with ~~Section 1985, 1985.1, and 1985.2 of the Code of Civil Procedure. Enforcement of subpoenas shall be done 1985-1985.2 and enforced in accordance with Section 11525 of the Government Code, 11455.20. (Education Code 48918(i))~~~~

~~(2) — Any objection raised by the student or the Superintendent, the Superintendent's or designee, ~~or the student~~ 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. ~~Any~~ The Board's decision ~~by the Board~~ in response to such an objection ~~to the issuance of subpoenas~~ shall be final and binding. (Education Code 48918(i))~~

~~(3) — If the Board, hearing officer, or administrative panel determines, ~~in accordance with subdivision (f) of Section 48918~~ or if the hearing officer or administrative panel finds and submits to the Board, that a ~~percipient~~ witness would be subject to ~~an~~ 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 ~~provided for in subdivision (f)~~ described in item #4 below. (Education Code 48918(i))~~

4. Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant 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 shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," and

"Additional Grounds for Suspension and Expulsion: Grades 9-12" above. (Education Code 48918(h))

Findings of fact shall be based solely on the evidence at the hearing. Although no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f))

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.

5. Testimony by Complaining Witnesses: The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)

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 the testimony.

~~c. (4) — Service of process shall be extended to all parts of the state and shall be served in accordance with Section 1987 of the Code of Civil Procedure. — All witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the state or any political subdivision thereof, shall receive fees, and all witnesses appearing pursuant to subpoena, except the parties, shall receive mileage in the same amount and under the same circumstances as prescribed for witnesses in civil actions in a superior court. Fees and mileage shall be paid by the party at whose request the witness is subpoenaed.~~

~~j. — Final Action by Board: Whether the student expulsion hearing is conducted in closed or public session, by the Board or by a hearing officer/administrative panel, the final action to expel shall be taken by the Board at a public session. (Education Code 48918(i))~~

~~k. — Time of Decision: The decision of the Board, if it conducts the expulsion hearing, whether to expel a student shall be made within 10 schooldays following the conclusion of the hearing, unless the student requests in writing the decision be postponed.~~

~~If the Board does not conduct the hearing or if the Board does not meet on a weekly basis, the decision of the Board whether to expel a student shall be made within 40 schooldays after the date of the student's removal from his/her school of attendance for the incident on which the expulsion is based, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))~~

1. ~~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 who is disrupting the hearing.~~

e. ~~If one or both support persons are also witnesses, the hearing shall be conducted in accordance with 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) ~~Maintenance of Records: The Board will maintain a record of each expulsion, including the cause therefore, in the form of an ongoing log of student expulsions. The log shall contain the following information: the school attended by the expelled student, the date of the expulsion hearing, the cause for expulsion, and the date set for applying for readmission. However, the log shall not identify the expelled student by name. The log shall be made available to the public in the district's administration office. The expulsion order shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon a request by the admitting school for the pupil's school record. (Education Code 48918(j))~~

~~5. Written Notice to Expel~~

~~Written notice of the decision to expel or to suspend the enforcement of an expulsion order shall be sent to the student or the student's parent/guardian by the Superintendent or the Superintendent's designee. The notice shall be in the primary language of the parent/guardian insofar as practicable. Such notice shall include notice of the right to appeal such expulsion to the county board of education, a notice of the education alternative placement to be provided to the student during the time of expulsion and of the parent, guardian, or student's obligation pursuant to subdivision (b) of Section 48915.1, upon the student's enrollment in a new school district, to inform that school district of the student's expulsion. The student and student's parent/guardian shall be notified at the time the expulsion order is entered of the procedure for filing and processing a request for readmission. Notwithstanding the completion of the readmission process, the Board may deny readmission. (Education Codes 48916 and 48918 (i))~~

~~6. Special Rules and Regulations for Hearings Involving Allegations Pursuant to Education~~

Code 48900(n)

a. ~~At the time that the expulsion hearing is recommended, the complaining witness shall be provided with a copy of the applicable disciplinary rules and advised of his/her right to: (1) receive five days' notice of the complaining witness' 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 or she testifies; and (3) to have the hearing closed during the time they testify pursuant to subdivision (c) of Section 48918.~~

b. ~~An expulsion hearing may be postponed for one schoolday in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness where the allegations arise under subdivision (n) of Section 48900.~~

c. ~~The district shall provide a nonthreatening environment for a complaining witness in order to better enable them to speak freely and accurately of the experiences that are the subject of the expulsion hearing, and to prevent discouragement of complaints.~~ The district shall provide a room separate from the hearing room for the use of the complaining witness ~~prior to~~before and during breaks in testimony. ~~In~~

(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 or she may leave the hearing room. The person conducting the hearing may arrange the seating within the hearing room of those present in order to facilitate a less intimidating environment for the complaining witness. The person conducting the hearing may limit the time for taking the testimony of a complaining witness to the hours he or she is normally in school, if there is no good cause to take the testimony during other hours. The person conducting the hearing may permit one of the complaining witness' support persons to accompany him or her to the witness stand the complaining witness may leave the hearing room.

d. ~~Whenever any allegation is made of conduct violative of subdivision (n) of Section 48900, complaining witnesses and accused students are to be advised immediately to refrain from personal or telephonic contact with each other during the pendency of any expulsion process.~~

(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 normal school hours, 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: The Board's decision as to whether to expel a student shall be made within 40

school days after the student is removed from school, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Alternative Expulsion Hearing ~~by:~~ Hearing Officer or Administrative Panel

1. ~~———— In lieu~~

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

2. ~~———— Within~~ A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing," including the requirement to issue a decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed. (Education Code 48918(a) and (d))

The hearing officer or administrative panel shall, within three school days ~~following~~ after the hearing, ~~the hearing officer or administrative panel shall~~ determine whether to recommend ~~the~~ expulsion of the student to the Board. If ~~the hearing officer or administrative panel decides not to recommend~~ expulsion is not recommended, the expulsion ~~proceedings~~ proceeding shall be terminated and the student shall be immediately ~~be~~ reinstated, ~~or and~~ permitted to return to ~~the~~ the classroom instructional program, ~~any other instructional program, a rehabilitation program, or any combination of these programs. Placement in one or more of these programs shall be from which the referral was made by, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by the student's parent/guardian, the Superintendent or the Superintendent's designee after consultations shall consult with school the parent/guardian and district personnel staff, including the student's teachers, and regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's parent or guardian expulsion referral was made.~~ any other instructional program, a rehabilitation program, or any combination of these programs. Placement in one or more of these programs shall be from which the referral was made by, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by the student's parent/guardian, the Superintendent or the Superintendent's designee after consultations shall consult with school the parent/guardian and district personnel staff, including the student's teachers, and regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's parent or guardian expulsion referral was made. The decision to ~~not to~~ recommend expulsion shall be final. (Education Code 48918(e))

3. ~~———— If the hearing officer or administrative panel recommends~~ expulsion is recommended, findings, ~~or of~~ of fact in support of the recommendation shall be prepared and submitted to the Board. ~~All findings of facts~~ fact and recommendations shall be based solely on the evidence ~~adduced~~ presented at the hearing. ~~If the~~ The Board ~~accepts~~ may accept the recommendation ~~calling for expulsion, acceptance shall be~~ based either upon a review of the findings of fact and recommendations submitted ~~by the hearing officer or panel~~ or upon the results of any supplementary hearing ~~conducted pursuant to the Board's~~ Board may order. (Education Code 48918(f))

~~4. A hearing conducted by the hearing officer or administrative panel shall be conducted in accordance with paragraph I.E.4. (Education Code 48918(d))~~

~~Readmission: Rehabilitation Plan (Education Codes 48916 and 48918(e))~~

~~1. Upon the hearing officer's administrative panel's recommendation against expulsion, or following the~~ In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion. If the hearing officer or administrative panel recommends that the Board expel a student but suspend the enforcement of the expulsion, the student shall not be reinstated and permitted to return to the classroom instructional program from which the referral was made until the Board has ruled on the recommendation. (Education Code 48917, 48918)

Final Action by the Board

Whether the expulsion hearing is conducted in closed or open session by the Board, a hearing officer, or an administrative panel or is waived through the signing of a stipulated expulsion agreement, the final action to expel shall be taken by the Board in public. (Education Code 48918(j))

The Board's own decision after is final. If the hearing decision is to not to expel, the student shall be reinstated immediately to a classroom instructional program, rehabilitation program, or any combination of such programs by the Superintendent or Superintendent's designee after consultation with district personnel including the student's teacher(s) and the parent/guardian of the student. (Education Code 48918(e))

. If the decision is to suspend the enforcement

~~2. An expulsion order shall remain in effect until the Board may order the readmission of the student. At the time the Board orders expulsion of a the expulsion, the student for an act other than those described in subdivision (c) of Section 48915 shall be reinstated under the conditions of the suspended expulsion.~~

Upon ordering an expulsion, the Board shall set a date not later than the last day of the semester following the semester in which the expulsion occurred, when the student shall be reviewed for readmission to a school maintained by within the district or to the school the student last attended. For students a student expelled pursuant to 48915(e), the earliest date for readmission for any "mandatory recommendation and mandatory expulsion" act listed in the section "Authority to Expel" in the accompanying Board policy, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier readmission 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. If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date

when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred.
(Education Code 48916)

At the time of the expulsion order, the Board ~~may~~shall recommend a plan for the student's rehabilitation ~~for the student~~, which may include, ~~but is not limited to:~~ (Education Code 48916)

a. _____

1. _____ Periodic review ~~and, as well as~~ assessment at the time of review, for readmission.

~~b2.~~ Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service ~~and/~~ or ~~rehabilitation~~ other rehabilitative programs.

e. _____

With ~~parental~~parent/guardian consent, ~~enrollment in students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-supported/sponsored drug rehabilitation program if the offense was related to controlled substances as defined in Sections 11054 to 11058, inclusive of the Health and Safety Code, or alcohol before returning to school.~~ (Education Code 48916.5)

Written Notice to Expel

The Superintendent or designee shall send

~~3. _____ A written request for review~~ 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 action listed above under "Grounds for Suspension and Expulsion: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," or "Additional Grounds for Suspension and Expulsion: Grades 9-12" (Education Code 48900.8)

2. _____ ~~request for~~ The fact that a description of readmission shall procedures will be submitted by made available to the student and parent/guardian to the Superintendent or designee.
(Education Code 48916)

3. _____ Notice of the right to appeal the expulsion to the County Board (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. _____

~~4. _____ The Superintendent or designee will hold a conference with the parent/guardian and the student. At the conference, the conditions for readmission will be reviewed and verification obtained that the conditions have been met. School regulations will be reviewed and the student~~

and the student's parent/guardian will be asked to indicate in writing their willingness to comply with the regulations.

~~5. The Superintendent will transmit the request to the Board for consideration together with the Superintendent's recommendation. The Board may consider the request in closed session; however, the consideration will be in open session if a written request for open session is received from the student or the student's parent/guardian. The Board shall readmit the student; unless the Board makes a finding that the student has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other students or employees of the district.~~

~~6. If the Board denies the readmission of an expelled student, the Board shall make a determination either to continue the placement of the student in the alternative educational program initially selected for the student, or to place the student in another program that may include, but need not be limited to, serving expelled students, including placement in county community school.~~

~~7. The Superintendent will notify the student or the student's parent/guardian, by registered or certified mail, or by personal delivery, of the decision of the Board regarding readmission of the student in school. The notice shall be in the primary language of the parent/guardian insofar as practicable. If the Board denies readmission, the written notice shall include the reasons for denying readmittance and the determination of the educational program placement made by the Board. The expelled student shall enroll in that program unless the parent/guardian of the student elects to enroll the student in another school district.~~

~~Suspension of~~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)

~~Decision to Suspend Expulsion (Education Code 48917)~~Order

~~1. Suspension of the Expulsion: The Board, upon voting to expel a student, may~~

~~In accordance with Board policy, when deciding whether to suspend the enforcement of thean expulsion order for not more than one calendar year. The Board's, the Board shall take into account the following criteria for suspending:~~

~~1. The student's pattern of behavior~~

~~2. The seriousness of the misconduct~~

~~3. The student's attitude toward the misconduct and willingness to follow a rehabilitation program~~

~~The suspension of the enforcement of an expulsion order shall be applied equally to all students including individuals with exceptional needs. shall be governed by the following:~~

2. ~~Conditions of Suspension of Expulsion Order~~

a. ~~As 1.~~ The Board may, as a condition of the suspension of ~~the expulsion order, the Board may enforcement,~~ assign the student to a school, class, or program ~~which it deems~~ appropriate for the student's rehabilitation. ~~The This~~ rehabilitation program may provide for the involvement of the student's parent/guardian in ~~his/her child's the student's~~ education ~~in ways that are specified in the program. Refusal by the parent/guardian.~~ 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. (Education Code 48917)

b2. During ~~this the~~ period ~~of suspension when enforcement~~ of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)

e3. The suspension of the enforcement of an expulsion order may be revoked by the Board upon if the ~~student's commission of student commits~~ any of the acts ~~enumerated in Education Code 48900, 48900.2, 48900.3, 48900.4, or 48900.7 as stated listed~~ under "Grounds for Suspension and Expulsion: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," or "Additional Grounds for Suspension and Expulsion: Grades 9-12" above, or ~~for violates~~ any ~~violation~~ of the district's rules and regulations governing student conduct ~~or for non-compliance with the program of rehabilitation.~~ (Education Code 48917)

4. ~~When~~

3. ~~Revocation of Expulsion Order: Upon revocation of~~ the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)

5.

4. ~~Readmission of Student:~~ Upon satisfactory completion of the rehabilitation assignment ~~of a student~~, the Board shall reinstate the student in a ~~school or the district and school.~~ Upon reinstatement, the Board may order the ~~expungement expunging~~ of any or all records of the expulsion proceedings. (Education Code 48917)

Right to-

6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and 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(b). (Education Code 48918(j))

7. Suspension of the enforcement 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. (Education Code 48917)

Appeal

The student or ~~the student's~~ parent/guardian is entitled to file an appeal of the Board's decision ~~of with the County Board to the county board of education.~~ The appeal must be filed within 30 days ~~following of the Board's decision of the Board~~ to expel, even if the expulsion order is suspended and the student is placed on ~~probationary status. probation.~~ (Education ~~Codes 48917- and Code~~ 48919)

If the student submits a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board, the district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

Notification 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. (Education Code 48902)

The principal or designee shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance, or of any student acts involving the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate county or district 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. (Education Code 48902)

Placement During Expulsion

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems

2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at any of these

3. ~~Expelled Individuals, Enrollment~~ (Education Codes 48915.1 and 48915.2)

~~1. A student expelled from school for any of the offenses listed in subdivision (a) or (c) of Section 48915, shall not be permitted to enroll in any other school or school district during the period of expulsion unless it is a community school pursuant to subdivision (b) of Section 1981, or a juvenile court school, as described in Section 48645.1, or a community day school pursuant to Section 48660 et seq. (Education Code 48915.2)~~

~~2. If the Board receives a request from an individual who has been expelled from another school district for an act other than those described in subdivision (a) or (c) of Section 48915, for enrollment in a school maintained by the school district, the board shall hold a hearing to determine whether that individual poses a continuing danger either to the students or employees of the school district. The hearing and notice shall be conducted in accordance with the rules and regulations governing procedures for the expulsion of students as described in Section 48918 and this policy. The school district may request information from another school district regarding a recommendation for expulsion or the expulsion of an applicant for enrollment. The school district receiving the request shall respond to the request with all deliberate speed but shall respond no later than five working days from the date of the receipt of the request.~~

~~3. If a student has been expelled from his/her previous school for offenses other than those listed in subdivision (a) or (c) of Section 48915, the parent, guardian, or student, if the student is emancipated or otherwise legally of age, shall, upon enrollment, inform the school district of his/her status with the previous school district. If this information is not provided to the school district and the school district later determines the student was expelled from the previous school, the lack of compliance shall be recorded and discussed in the hearing required pursuant to paragraph 2 above.~~

~~4. The Board may make a determination to deny enrollment to an individual who has been expelled from another school district for an act other than those described in subdivision (a) or (c) of Section 48915, for the remainder of the expulsion period after a determination has been made, pursuant to a hearing, that the individual poses a potential danger to either the students or employees of the school district.~~

~~5. The Board of a school district, when making its determination whether to enroll an individual who has been expelled from another school district for these acts, may consider the following options:~~

~~a. Deny enrollment.~~

~~b. Permit enrollment.~~

~~c. Permit conditional enrollment in a regular school program or another educational~~

~~program.~~

~~6. — Not housed at the school site attended by the student at the time of suspension~~

~~(cf. 6158 - Independent Study)~~

~~(cf. 6185 - Community Day School)~~

~~When the placement described above is not available and when the County Superintendent so certifies, students expelled for only acts described in items #6-12 under "Grounds for Suspension and Expulsion: Grades K-12" and items #1-3 under "Additional Grounds for Suspension and Expulsion: Grades 4-12" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school. (Education Code 48915)~~

~~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)~~

~~Readmission Notwithstanding any other provision of law, the Board, after a determination has been made, pursuant to a hearing, that an individual expelled from another school district for an act other than those described in subdivision (a) or (c) of Section 48915 does not pose a danger to either the students or employees of the school district, shall permit the individual to enroll in a school in the school district during the term of the expulsion, provided that he or she, subsequent to the expulsion, either has established legal residence in the school district, pursuant to Section 48200, or has enrolled in the school pursuant to an interdistrict agreement executed between the affected school districts pursuant to Chapter 5 of the Education Code (commencing with Section 46600).~~ After Expulsion

Prior to the date set by the Board for the student's readmission:

1. The Superintendent or designee 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 or designee 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 indicate in writing their willingness to comply with these regulations.

2. The Superintendent or designee shall transmit to the Board a recommendation regarding readmission. The Board shall consider this recommendation in closed session. If a written request for open session is received from the parent/guardian or adult student, it shall be honored to the extent that privacy rights of other students are not violated.

3. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.

4. The Board may deny readmission only 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)

5. ~~If (Education Code 48915.1)~~

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.

6. 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)

No student shall be denied readmission into the district based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other such contact with the juvenile justice system. (Education Code 48645.5)

Maintenance of Records

7. ~~After a determination has been made, pursuant to a hearing, that an individual expelled from another school district for any act described in subdivision (a) or (c) of Section 48915 does not pose a danger to either the students or employees of the school district, the Board may permit the individual to enroll in a school in the school district after the term of the expulsion, subject to the following conditions:~~

a. ~~He/she has established legal residence in the school district, pursuant to Section 48200.~~

b. ~~He/she has enrolled in the school pursuant to an interdistrict agreement executed between the affected school districts pursuant to Chapter 5 of the Education Code (commencing with Section 46600).~~

~~This policy shall not be construed so as to limit the discretion of the Board as set forth in the California~~

The district shall maintain a record of each suspension and expulsion, including its specific cause(s). (Education Code 48900.8)

Expulsion records of any student shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon written request by that school. (Education Codes 48915.1 and 48915.2)Code 48918(k))

The Superintendent or designee shall, within five working days, honor any other district's request

for information about an expulsion from this district. (Education Code 48915.1)

~~Regulation — SANTA ROSA CITY SCHOOLS~~

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~~revised: May 26, 2010~~

~~revised: April 12, 2017~~

~~(cf. 5119 - Students Expelled from Other Districts)~~

(12/17 10/18) 3/20