Suspensions and Expulsions

Handbook Guide and Forms

Revised: 2/18/16
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Student Suspension and Expulsion Due Process

Ca. Educ. Code 48911 (a) The principal of the school, the principal's designee, or the superintendent of schools may suspend a pupil from the school for any of the reasons enumerated in Section 48900, and pursuant to Section 48900.5 for no more than five consecutive school days.

Implementation

Suspension follows if other correctional means have not been effective. Suspension also may be imposed upon a first offense if the Superintendent, principal or designee determines that the student violated items #1-5 listed in “Grounds for Suspension and Expulsion” or if the student’s presence causes a danger to persons or property or threatens to disrupt the instructional process, Education Code 48900.5.

A student may be suspended from school for not more than 20 school days in any school year.

The Superintendent or designee 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.

AB 1729 (effective Jan. 1, 2013) requires that all means of alternative discipline to correct a student’s behavior be documented and included in the student’s records. Add any and all instances of discipline measures to a student’s file under Global Notes.

1. Definitions

Ca. Educ. Code 48925. As used in this article:
(a) "Day" means a calendar day unless otherwise specifically provided.
(b) "Expulsion" means removal of a pupil from (1) the immediate supervision and control, or (2) the general supervision, of school personnel, as those terms are used in Section 46300.
(c) "School day" means a day upon which the schools of the district are in session or weekdays during the summer recess.
(d) "Suspension" means removal of a pupil from ongoing instruction for adjustment purposes. However, "suspension" does not mean any of the following:
   (1) Reassignment to another education program or class at the same school where the pupil will receive continuing instruction for the length of day prescribed by the governing board for pupils of the same grade level.
   (2) Referral to a certificated employee designated by the principal to advise pupils.
   (3) Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the pupil to the principal or the principal's designee as provided in Section 48910. Removal from a particular class shall not occur more than once every five schooldays.
(e) "Pupil" includes a pupil's parent or guardian or legal counsel.

(h) For the purposes of this section, a "principal's designee" is any one or more administrators at the school site specifically designated by the principal, in writing, to assist with disciplinary procedures.

In the event that there is not an administrator in addition to the principal at the school site, a certificated person at the school site may be specifically designated by the principal, in writing, as a "principal's designee," to assist with disciplinary procedures. The principal may designate only one person at a time as the principal's primary designee for the school year.

An additional person meeting the requirements of this subdivision may be designated by the principal, in writing, to act for the purposes of this article when both the principal and the principal's primary designee are absent from the school site. The name of the person, and the names of any person or persons designated as "principal's designee," shall be on file in the principal's office. (Ca. Educ. Code 48911(h)).
2. Notice of School Rules

During the enrollment process, 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.

Implementation

For new students, this requirement can be fulfilled by providing parents and students with the approved Parent Student Handbook for your school at the time of enrollment.

For continuing students, it is necessary to provide them with a copy of the schools rules related to discipline, suspension and expulsion at the beginning of the school year. This requirement can be fulfilled by providing them with Exhibit A or a copy of your school’s Parent/Student Handbook. Exhibit A can be found in the next page.
3. Grounds for Suspension and Expulsion

Exhibit A

Ca. Educ. Code 48900. 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 committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:

(a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person.

(2) Willfully used force or violence upon the person of another, except in self-defense.

(b) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.

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

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

(e) Committed or attempted to commit robbery or extortion.

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

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

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

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

(j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell 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, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal
Harassed, threatened, or intimidated a pupil who is a complaining witness or a 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. For purposes of this subdivision, the following terms have the following meanings:

(a) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

(A) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.
(B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
(C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.
(D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

(2) "Electronic act" means the transmission of a communication, including, but not limited to, a message, text, sound, or image, or a post on a social network Internet Web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager.

(3) "Reasonable pupil" means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

(u) 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).

(v) As used in this section, "school property" includes, but is not limited to, electronic files and databases.

(w) A superintendent of the school district or principal may use his or her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under this section.

(x) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities.

Terrorists Threats Ca. Ed. Code 48900.7. (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 ($1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family.

Sexual Harassment Ca. Educ. Code 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 purposes 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 educational environment. This section shall not apply to pupils enrolled in kindergarten and grades 1 to 3, inclusive.
**Hate Violence**  Ca. Educ. Code 48900.3. In addition to the reasons set forth in Sections 48900 and 48900.2, a pupil 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 caused, attempted to cause, threatened to cause, or participated in an act of, hate violence, as defined in subdivision (e) of Section 233.

**Harassment Causing Disruption**  Ca. Educ. Code 48900.4. In addition to the grounds specified in Sections 48900 and 48900.2, a pupil enrolled in any of grades 4 to 12, inclusive, maybe 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 school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment.

**PLEASE NOTE:** Due to signing of Assembly Bill 420; SECTION K IS NO LONGER GROUNDS FOR SUSPENSION IN GRADES K-3 AND GROUNDS FOR EXPULSION IN GRADES 1-12.
4. Duration of Suspension

The Superintendent, Principal or Designee may suspend a student from school for not more than 5 consecutive school days unless the suspension is extended pending expulsion.

Ca. Educ. Code 48900.5. Suspension shall be imposed only when other means of correction fail to bring about proper conduct. However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determine that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil’s presence causes a danger to persons or property or threatens to disrupt the instructional process.

Ca. Educ. Code 48903. (a) Except as provided in subdivision (g) of Section 48911 and in Section 48912, the total number of days for which a pupil may be suspended from school shall not exceed 20 schooldays in any school year, unless for purposes of adjustment, a pupil 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 schooldays for which the pupil may be suspended shall not exceed 30 days in any school year.

(b) For the purposes of this section, a school district may count suspensions that occur while a pupil is enrolled in another school district toward the maximum number of days for which a pupil may be suspended in any school year.
5. Suspensions shall be conducted according to the following procedures:

Ca. Educ. Code 48911. (a) The principal of the school, the principal's designee, or the superintendent of schools may suspend a pupil from the school for any of the reasons enumerated in Section 48900, and pursuant to Section 48900.5, for no more than five consecutive schooldays.

(b) Suspension by the principal, the principal's designee, or the superintendent of schools shall be preceded by an informal conference conducted by the principal or the principal's designee or the superintendent of schools between the pupil and, whenever practicable, the teacher, supervisor, or school employee who referred the pupil to the principal, the principal's designee, or the superintendent of schools. At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense.

(c) A principal, the principal's designee, or the superintendent of schools may suspend a pupil without affording the pupil an opportunity for a conference only if the principal, the principal's designee, or the superintendent of schools determines that an emergency situation exists. "Emergency situation," as used in this article, means a situation determined by the principal, the principal's designee, or the superintendent of schools to constitute a clear and present danger to the life, safety, or health of pupils or school personnel. If a pupil is suspended without a conference prior to suspension, both the parent and the pupil shall be notified of the pupil's right to a conference and the pupil's right to return to school for the purpose of a conference. The conference shall be held within two schooldays, unless the pupil waives this right or is physically unable to attend for any reason, including, but not limited to, incarceration or hospitalization. The conference shall then be held as soon as the pupil is physically able to return to school for the conference.

Administrative Actions: The notice of suspension, Exhibit B, shall state the specific offense committed by the student, Education Code 48900.8 Student suspensions are to be processed by the principal or designee of the school. The school shall report the suspension, including the name of the student and the cause for the suspension, to the Vice President of Education on Exhibit C.

Implementation

The Principal or designee must review and investigate the charges made against the student prior to making a determination of suspension or recommendation for expulsion. A meeting with the student is mandatory prior to making a final determination. The appropriate suspension form (Exhibit B) must be prepared correctly and be made available to the parent if a meeting with the parent/student is scheduled. Please document time and date of meetings as well as the individuals in the meeting, for your protection. The suspension form/letter must be marked if expulsion is recommended. Attain proof of receipt if the form is mailed by the school. Attach receipt to file form.

Important: the Sp. Ed. department must be notified on the same day if the student is recommended for expulsion and has an I.E.P. or a 504 plan. If a student is part of the Foster Care System, the case worker and attorney must be invited in writing to the IEP meeting. Equally important: the school liaison for Foster children as students must be notified on the same day if the student is recommended for expulsion.
Dear Parent/Guardian Name

The purpose of this letter is to inform you that your child has been suspended from school. The period of suspension is _______ through _______. The inclusive number of days is ____. Your child may return to school at 8a.m. on ____________.

The facts leading to the decision to suspend your child are as follows: On Date of Incident, your child, Name of Student, Brief Summary of Incident.

Your child’s misbehavior constitutes a violation of Education Code sections 48900 (___) and (___). See attached for more information.

Indicate if the student was reached/spoken to; if not, indicate why not.

If you were able to talk to student and/or parent, provide a brief summary of the conversation pertaining to the facts of the incident. **If the student is being referred for expulsion, be sure parent/guardian knows and check the box below.**

As the parents of a suspended pupil, you have the following rights:

1. To request a meeting with the Principal or designee.
2. To have access to the pupil’s school record.

During the suspension, your child is not permitted to be on the grounds of the school site or to participate in any of its activities.

☐ Your child has also been referred for expulsion.

Sincerely,

________________________
Principal or Designee
Ca. Educ. Code 48900. 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 committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:

- (a 1) Caused, attempted to cause, or threatened to cause physical injury to another person.
- (a 2) Willfully used force or violence upon the person of another, except in self-defense.
- (b) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- (d) Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- (e) Committed or attempted to commit robbery or extortion.
- (f) Caused or attempted to cause damage to school property or private property.
- (g) Stolen or attempted to steal school property or private property.
- (h) Possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.
- (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell 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, 288, 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 a 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. For purposes of this subdivision, the following terms have the following meanings:

1. "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:
   (A) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.
   (B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
   (C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.
   (D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

2. "Electronic act" means the transmission of a communication, including, but not limited to, a message, text, sound, or image, or a post on a social network Internet Web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager.

3. "Reasonable pupil" means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

A pupil shall not be suspended or 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 of the school district or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following:
(1) While on school grounds.
(2) While going to or coming from school.
(3) During the lunch period whether on or off the campus.
(4) During, or while going to or coming from, a school-sponsored activity.
(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.
(v) A superintendent of the school district or principal may use his or her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under this section.
(w) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities.

**Terrorists Threats** Ca. Ed. Code 48900.7. (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 ($1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family.

**Sexual Harassment** Ca. Educ. Code 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 purposes 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 educational environment. This section shall not apply to pupils enrolled in kindergarten and grades 1 to 3, inclusive.
**Hate Violence**  Ca. Educ. Code 48900.3. In addition to the reasons set forth in Sections 48900 and 48900.2, a pupil 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 caused, attempted to cause, threatened to cause, or participated in an act of, hate violence, as defined in subdivision (e) of Section 233.

**Harassment Causing Disruption**  Ca. Educ. Code 48900.4. 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 school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment.

PLEASE NOTE: Due to signing of Assembly Bill 420; SECTION K IS NO LONGER GROUNDS FOR SUSPENSION IN GRADES K-3 AND GROUNDS FOR EXPULSION IN GRADES 1-12.
Exhibit C

Notice of Suspension to Administration

To: Dr. Patrick Hill, Vice President of Student Services

From: Administrator’s Name

RE: Notice of Suspension of Student

Date: February 26, 2014

Students Name: ______________ Grade: _____ DOB: ________________
Parent or Guardian: ____________________
Address: _______________________________________________________
Telephone: ____________________

Incident Date: ________________
Period of Suspension: ________________ through ________________
Inclusive number of days: _____
Student may return to school on: ____________________

The suspension was based on a violation of the following Education Code
Section(s): 48900 List all Letters that Apply.

The description of the incident and facts leading to the decision to suspend are
as follows: Provide short summary of incident

☐ The student has been referred for expulsion: ☐ Yes ☐ No

(Please mark box(es) if student is referred for expulsion.)
☐ The student has an I.E.P. or a 504 plan (circle which).
☐ The Sp. Ed. department has been notified. Provide copy of this exhibit
☐ The student is part of the Foster Care System. Provide copy of this exhibit to school liaison for Foster Care students.

Parent contact by: ☐ Telephone ☐ In Person Date of contact: ____________
6. Extension of Suspension

**Education Code 48911(g)** In a case where expulsion from a school or suspension for the balance of the semester from continuation school is being processed by the governing board of the school district, the district superintendent of schools, or other person designated by the district superintendent of schools in writing, may extend the suspension until the governing board of the school district has rendered a decision in the action. However, an extension may be granted only if the district superintendent of schools or the district superintendent's designee has determined, following a meeting in which the pupil and the pupil's parent or guardian are invited to participate, that the presence of the pupil at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process. If the pupil is a foster child, as defined in Section 48853.5, the district superintendent of schools or the district superintendent's designee, including, but not limited to, the educational liaison for the school district, shall also invite the pupil's attorney and an appropriate representative of the county child welfare agency to participate in the meeting. If the pupil or the pupil's parent or guardian has requested a meeting to challenge the original suspension pursuant to Section 48914, the purpose of the meeting shall be to decide upon the extension of the suspension order under this section and may be held in conjunction with the initial meeting on the merits of the suspension.

**Implementation**

*The extended suspension meeting must take place no later than 5 school days from the date of the suspension.*

The parent must receive notice of a scheduled meeting to discuss the possibility of an extended suspension. Such notice may be given by phone to expedite the process and must be followed by written notice. The written notice shall document when the parent was called by phone letting them know of the extended suspension meeting, **Exhibit D** notice shall be accompanied with a copy of Educational Code 48918, Educational Code 48918.5 which explains the expulsion process, **Exhibit E**. **If the student is part of the Foster Care System, the student’s case worker and attorney must be invited in writing to the extended suspension meeting.** Proof of receipt of mailed notice is required.

Attach receipt to file notice.

A school official designated by the Superintendent will meet with the parent and student. The School Official will determine at this meeting if the student will be placed on extended suspension. If the student is placed on extended suspension as a result of this meeting, written notification of this action and of the time period it covers must be given to the parent/student, **Exhibit F**.

*The School Official will review the expulsion process with the parent and student. The option of a Stipulated Expulsion will also be presented, **Exhibit G**.*
[Date]

Via Certified Mail
[Parent’s Name]
[Address]
[Address]

Subject: Notice of Extended Suspension Meeting

Dear [Parent’s Name]:

As you have been notified, [Student’s Name] has been suspended from ____________________ and has been recommended for expulsion.

The reason for suspension is on [Suspension Date], [Student’s Name] [violation committed], a violation of Education Code section 48900 ( ), ( ), ( ) and ( ).

An appointment for you to meet with _____________, ________________ is scheduled for [Date and Time], to discuss the possibility of an Extended Suspension. You were notified of this meeting by phone on [Date] at [Time a.m. /p.m]. During the meeting you will be informed of an upcoming expulsion hearing, and will also be presented with information on the school’s stipulated expulsion process.

Thank you,

Dr. Patrick Hill  
Vice President of Student Services  
177 Holston  
Lancaster, CA  93535
Ca. Educ. Code 48918. The governing board of each school district shall establish rules and regulations governing procedures for the expulsion of pupils. These procedures shall include, but are not necessarily limited to, all of the following:

(a) The pupil shall be entitled to a hearing to determine whether the pupil should be expelled. An expulsion hearing shall be held within 30 schooldays after the date the principal or the superintendent of schools determines that the pupil has committed any of the acts enumerated in Section 48900, unless the pupil requests, in writing, that the hearing be postponed. The adopted rules and regulations shall specify that the pupil is entitled to at least one postponement of an expulsion hearing, for a period of not more than 30 calendar days. Any additional postponement may be granted at the discretion of the governing board.

Within 10 schooldays after the conclusion of the hearing, the governing board shall decide whether to expel the pupil, unless the pupil requests in writing that the decision be postponed. If the hearing is held by a hearing officer or an administrative panel, or if the district governing board does not meet on a weekly basis, the governing board shall decide whether to expel the pupil within 40 schooldays after the date of the pupil's removal from his or her school of attendance for the incident for which the recommendation for expulsion is made by the principal or the superintendent, unless the pupil requests in writing that the decision be postponed.

If compliance by the governing board with the time requirements for the conducting of an expulsion hearing under this subdivision is impractical during the regular school year, the superintendent of schools or the superintendent's designee may, for good cause, extend the time period for the holding of the expulsion hearing for an additional five schooldays. If compliance by the governing board with the time requirements for the conducting of an expulsion hearing under this subdivision is impractical due to a summer recess of governing board meetings of more than two weeks, the days during the recess period shall not be counted as schooldays in meeting the time requirements. The days not counted as schooldays in meeting the time requirements for an expulsion hearing because of a summer recess of governing board meetings shall not exceed 20 schooldays, as defined in subdivision (c) of Section 48925, and unless the pupil requests in writing that the decision be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of school for the school year. Reasons for the extension of the time for the hearing shall be included as a part of the record at the time the expulsion hearing is conducted. Upon the commencement of the hearing, all matters shall be pursued and conducted with reasonable diligence and shall be concluded without any unnecessary delay.

(b) Written notice of the hearing shall be forwarded to the pupil at least 10 calendar days prior to the date of the hearing. The notice shall include all of the following:

   (1) The date and place of the hearing.

   (2) A statement of the specific facts and charges upon which the proposed expulsion is based.

   (3) A copy of the disciplinary rules of the district that relate to the alleged violation.
(4) A notice of the parent, guardian, or pupil's obligation pursuant to subdivision (b) of Section 48915.1.

(5) Notice of the opportunity for the pupil or the pupil's parent or guardian to appear in person or to be represented by legal counsel or by a non-attorney adviser, to inspect and obtain copies of all documents to be used at the hearing, to confront and question all witnesses who testify at the hearing, to question all other evidence presented, and to present oral and documentary evidence on the pupil's behalf, including witnesses. In a hearing in which a pupil is alleged to have committed or attempted to commit a sexual assault as specified in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900, a complaining witness shall be given five days' notice before 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. Before a complaining witness testifies, 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. This section does not require a pupil or the pupil's parent or guardian to be represented by legal counsel or by a non-attorney adviser at the hearing.

(A) For purposes of this section, "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.

(B) For purposes of this section, "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 pupil or pupil's parent or guardian to provide assistance at the hearing.

(c) Notwithstanding Section 54593 of the Government Code and Section 35145, the governing board shall conduct a hearing to consider the expulsion of a pupil in a session closed to the public, unless the pupil requests, in writing, at least five days before the date of the hearing, that the hearing be conducted at a public meeting. Regardless of whether the expulsion hearing is conducted in a closed or public session, the governing board may meet in closed session for the purpose of deliberating and determining whether the pupil should be expelled.

If the governing board or the hearing officer or administrative panel appointed under subdivision (d) to conduct the hearing admits any person to a closed deliberation session, the parent or guardian of the pupil, the pupil, and the counsel of the pupil also shall be allowed to attend the closed deliberations.

If the hearing is to be conducted at a public meeting, and there is a charge of committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.

(d) Instead of conducting an expulsion hearing itself, the governing board may contract with the county hearing officer, or with
the Office of Administrative Hearings of the State of California pursuant to Chapter 14 (commencing with Section 27720) of Part 3 of Division 2 of Title 3 of the Government Code and Section 35207, for a hearing officer to conduct the hearing. The governing board may also appoint an impartial administrative panel of three or more certificated persons, none of whom is a member of the board or employed on the staff of the school in which the pupil is enrolled. The hearing shall be conducted in accordance with all of the procedures established under this section.

(e) Within three schooldays after the hearing, the hearing officer or administrative panel shall determine whether to recommend the expulsion of the pupil to the governing board. If the hearing officer or administrative panel decides not to recommend expulsion, the expulsion proceedings shall be terminated and the pupil immediately shall be reinstated and permitted to return to a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs. Placement in one or more of these programs shall be made by the superintendent of schools or the superintendent's designee after consultation with school district personnel, including the pupil's teachers, and the pupil's parent or guardian. The decision not to recommend expulsion shall be final.

(f) If the hearing officer or administrative panel recommends expulsion, findings of fact in support of the recommendation shall be prepared and submitted to the governing board. All findings of fact and recommendations shall be based solely on the evidence adduced at the hearing. If the governing board accepts the recommendation calling for expulsion, 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 this section that the governing board may order.

The decision of the governing board to expel a pupil 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 upon hearsay evidence. The governing board or the hearing officer or administrative panel may, upon a finding that good cause exists, determine that the disclosure of either the identity of a witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations which shall be examined only by the governing board or the hearing officer or administrative panel. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the pupil.

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

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

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) (1) Before the hearing has commenced, the governing board may issue subpoenas at the request of either the superintendent of schools or the superintendent's designee or the pupil, for the personal appearance of percipient witnesses at the hearing. After the hearing has commenced, the governing board or the hearing officer or administrative panel may, upon request of either the county superintendent of schools or the superintendent's designee or the pupil, issue subpoenas. All subpoenas shall be issued in accordance with Sections 1985, 1985.1, and 1985.2 of the Code of Civil Procedure. Enforcement of subpoenas shall be done in accordance with Section 11455.20 of the Government Code.

(2) Any objection raised by the superintendent of schools or the superintendent's designee or the pupil to the issuance of subpoenas may be considered by the governing board in closed session, or in open session, if so requested by the pupil before the meeting. Any decision by the governing board in response to an objection to the issuance of subpoenas shall be final and binding.

(3) If the governing board, hearing officer, or administrative panel determines, in accordance with subdivision (f), 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).

(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) Whether an expulsion hearing is conducted by the governing board or before a hearing officer or administrative panel, final action to expel a pupil shall be taken only by the governing board in a public session. Written notice of any decision to expel or to suspend the enforcement of an expulsion order during a period of probation shall be sent by the superintendent of schools or his or her designee to the pupil or the pupil's parent or guardian and shall be accompanied by all of the following:
(1) Notice of the right to appeal the expulsion to the county board of education.

(2) Notice of the education alternative placement to be provided to the pupil during the time of expulsion.

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

(k) The governing board shall maintain a record of each expulsion, including the cause therefor. Records of expulsions shall be a non-privileged, disclosable public record.

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

Via Certified Mail

Parent’s name

Address

Subject: Notice of Extended Suspension

Dear

As a result of the meeting that took place on _______________, (student’s name) has been placed on extended suspension from (date of extended suspension meeting) through the date the Board of Directors will make the final decision on the pending expulsion.

During this extended suspension period, (student’s name) is not allowed on the premises of the school at any time or on any other properties that are part of the school. In addition, (student’s name) is not allowed to attend any activities sponsored by the school.

Please contact me with any questions that you may have at (661) 272-1225.

Dr. Patrick Hill
Vice President of Student Services
177 Holston
Lancaster, CA  93535
Exhibit G

School Name
Address
Phone

AGREEMENT AND STIPULATION FOR FULL EXPULSION

This Agreement is made and entered into by and between _______________________ (hereinafter referred to as the “Student”) ______ hereinafter referred to as the Parent/Guardian and the ____________ Public Charter School (hereinafter referred as the “School”).

RECITALS

1. A Notice of Expulsion (“Notice”) pertaining to the Student, (see Exhibit A attached to this Agreement) was received by the Student and Parent/Guardian;

2. The Notice includes allegations of specific acts committed or engaged in by the Student, which acts are grounds for expulsion under applicable provisions of the California Education Code, including but not limited to, Section 48900; (___)

3. The Student/Parent/Guardian has been provided with the notice and copies of applicable provisions of the California Education Code and School rules and regulations governing expulsions;

4. The Student has been advised by School representatives that they have a right to consult with and/or otherwise engage counsel to represent them during any proceedings involving the Notice and/or this Agreement;

5. The Student has met with School representatives to discuss allegations contained in the Notice and applicable provisions of the California Education Code relating to expulsions;

6. The Student fully understands the charges contained in the Notice and the meaning and consequences of an expulsion order which may result from such charges;

7. At an upcoming meeting, the School’s governing board will consider and take action on the issue of expulsion based on the Student’s admissions and waiver of a right to an expulsion hearing as set forth in this Agreement.
8. The parties have determined that resolution of the issues raised in the Notice would best be served by an expedited and abbreviated process, which process would ultimately be beneficial to and in the best interest of the Student and School;

9. This Agreement is consistent with the intent of applicable provisions of the California Education Code relating to expulsions.

NOW, THEREFORE, the parties agree as follows:

SECTION 1. Recitals Approved. The parties agree that the above Recitals are true and correct.

SECTION 2. Purpose. The purpose of this Agreement is to establish a framework for the amicable, beneficial, and expedited resolution of issues raised in the notice (Exhibit A).

SECTION 3. Acknowledgment of Notice/Allegations. The Student and Parent/Guardian fully acknowledge, understand and admit the following:

(a) This violates California Education Code (___)

(b) They have received the Notice and have carefully read the allegations contained herein and applicable California Education Code sections, have had an opportunity to discuss the allegations with School representatives and fully understand the allegations and the meaning and consequences of an expulsion order;

(c) They have a right to a due process hearing to contest the allegations contained in the Notice, including a challenge that the identified acts constitute grounds for expulsion; and that the purpose and function of an expulsion hearing would be to decide if the allegations have been substantiated and, whether they constitute grounds for expulsion, and whether the Student should be expelled;

(d) If substantiated, each and every specific act outlined in the Notice, either independently and/or collectively, is a ground for expulsion under California Education Code Section 48900, et seq.;

(e) The specific acts committed or engaged in by the Student, as alleged in the Notice, did in fact occur.

SECTION 4. Waiver. The Student and Parent/Guardian relinquish their right to contest any expulsion order and make a knowing and voluntary waiver of their right to have an expulsion hearing, including the right (a) to all
notices and time lines required by statute, rule or regulation, (b) to be represented by legal counsel at such expulsion hearing, (c) to inspect and obtain copies of all documents which would have been used at the hearing. (d) to confront and question all witnesses who would have testified at the hearing, (e) to question all other evidence presented, and (f) to present oral and documentary evidence on the Student’s behalf, including the witnesses.

**Right to Appeal to County Board of Education:** The Student and Parent/Guardian understand that under Education Code 48918(1) and 48919 they have a right to appeal within 30 days the expulsion order of the School and to be given written notice of this right. However, they hereby relinquish their right and make a voluntary waiver of their right to appeal the School’s order of expulsion to the County board of Education and the right to receive notice of this right in the notice of the School’s decision to expel.

**SECTION 5. Governing Board Approval.**

This Agreement is conditioned upon review and approval of the School’s governing board.

**SECTION 6. Application for Readmission; Rehabilitation Program**

Student shall be expelled from ____________ Public Charter through ____________________.

(a) The final approval and content of the Rehabilitation Program shall be within the discretion of the School’s Governing Board.

(b) The Rehabilitation Program shall include the following: (the areas listed below will be considered pursuant to student’s return to the ____________ Public Charter School:

1. Obey all laws of the State and Federal Government
2. Enroll in and maintain attendance in good standing in an educational program meeting the requirements of California’s compulsory attendance laws.
3. Student is directed to attend ____________________.
4. Prior to his/her return to the ____________ Public Charter School, student shall demonstrate:
   - Appropriate academic progress (on target for graduation),
   - Positive attitude, and
   - Regular school attendance.

5. The student’s progress will be evaluated for possible return to the school ____________________.

6. You have the right to enroll student in a private or parochial school (at parent’s expense), or in another school district if the pupil lives in another district, but you must inform that school of student’s expulsion.
SECTION 7. Reinstatement.

(a) Upon satisfactory completion of the Rehabilitation Program outlined in SECTION 6 of this Agreement, the Student may apply for readmission to the School. Any determination as to whether the Rehabilitation Program has been satisfactorily completed shall be vested in the sole discretion of the Hearing Officer or his/her designee.

SECTION 8. Effective date; Term. The effective date of this Agreement shall be the date approved by the School’s Governing Board. Unless previously terminated by mutual agreement of the parties, all rights and obligations contained in this Agreement shall terminate upon reinstatement of the Student.

SECTION 9. Amendments. Neither this Agreement nor any of the terms hereof may be amended, modified, altered, waived or terminated except by a written instrument approved by the Board of Directors or their designee.

SECTION 10. Integration. This Agreement constitutes the entire understanding and agreement between the parties and supersedes all previous negotiations, understandings, and preliminary agreements, whether written or oral, between them.

IN WITNESS WHEREOF, the Student, and the School have caused this Agreement to be executed on their behalf by their duly authorized representatives.

STUDENT

Name__________________________________________Dated:________________________________

_______________________________________________

Signature

PARENT/GUARDIAN

Name_________________________________________Dated:_________________________________

_______________________________________________

Signature

SCHOOL

Dr. Patrick Hill, Hearing Officer
Vice President of Student Services Dated:

______________________________________________

Signature
7. Authority to Expel

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 committed an act as defined pursuant to any of subdivisions (a) to (r) of Ed. Code 48900.

Only the Board may expel a student. The Board shall expel, as required by law, any student found to have committed any offense listed below under “Mandatory Recommendation and Mandatory Expulsion,” Ca. Educ. Code 48915. The Board may also order a student expelled for any of the acts listed under “Grounds for Suspension and Expulsion” upon recommendation by the Superintendent, designee or administrative panel.

Ca. Educ. Code 48915. (a) Except as provided in subdivisions (c) and (e), the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent finds that expulsion is inappropriate, due to the particular circumstance:

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 pupil.
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 possession 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), or (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 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 to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district.
2. Brandishing a knife at another person.
3. Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
4. Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery
as defined in subdivision (n) of Section 48900.

(5) Possession of an explosive.

(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), or (m) of Section 48900, or Section 48900.2, 48900.3, or 48900.4, 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 a program of study which 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 provided at a comprehensive middle, junior, or senior high 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 unguarded blade.

(h) As used in this section, the term "explosive" means "destructive device" as described in Section 921 of Title 18 of the United States Code.

Implementation

When meeting with the student and/or parent always use the phrase “recommending for expulsion” when referring to the expulsion process. The principal can only make a recommendation for expulsion. The expulsion panel can only make a recommendation for expulsion. The School Official can only make a recommendation for expulsion. Only the Board of Directors of each school has the authority to expel.
8. Student’s Right to Expulsion Hearing- Timeline

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 or designee determines that one of the acts listed under “Grounds for Suspension and Expulsion” has occurred, Education Code 48918(a).

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

If it is impractical during the 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 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, Education Code 48918(a).

Decision Within 10 School Days: The 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).

Decision Within 40 School Days: If the Board does not meet on a weekly basis, its 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).
additional five schooldays. If compliance by the governing board with the time requirements for the conducting of an expulsion hearing under this subdivision is impractical due to a summer recess of governing board meetings of more than two weeks, the days during the recess period shall not be counted as schooldays in meeting the time requirements. The days not counted as schooldays in meeting the time requirements for an expulsion hearing because of a summer recess of governing board meetings shall not exceed 20 schooldays, as defined in subdivision (c) of Section 48925, and unless the pupil requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of school for the school year. Reasons for the extension of the time for the hearing shall be included as a part of the record at the time the expulsion hearing is conducted. Upon the commencement of the hearing, all matters shall be pursued and conducted with reasonable diligence and shall be concluded without any unnecessary delay.

Implementation

The timeline must be adhered to at all times. Only written requests for postponements can change the timeline. It is important to note that the timeline starts NOT when the student committed an expellable offense but when the principal or designee determined that an expelled offense was committed.

For calendaring purposes of the hearing and board meeting, it is best to start with identifying the very last day that a hearing can take place. Second date to be identified is that of the board meeting. Notices for the hearing and for the board meeting will follow after this first set of dates are identified.
9. Written Notice of Expulsion Hearing

Written notice of the expulsion hearing shall be forwarded to the student and the student’s parent/guardian at least 10 Calendar days before the date of the hearing utilizing Exhibit H. If a student is part of the Foster Care System, the same notice shall be sent to the student’s case worker and attorney.

Implementation

Send notice by registered mail. Attach evidence of notice being mailed and received to the file copy.
DATE

Via Certified Mail
ADDRESS

Re: Notice of Expulsion Hearing

Dear:

An expulsion hearing for ___________________________ from ____________ Public Charter has been scheduled for __________________ at ________ a.m. The hearing will take place in the Administration Office at___________ Public Charter School at (address)

___________________________
_________________________________________________

The description of the incident and facts leading to the decision of holding an expulsion hearing are: Ed Code _______, _________________________________________________________.

You have the right to be present at the hearing and to present any witnesses on behalf of your child. You have the right to be represented by legal counsel or by a non-attorney adviser. You have the right to inspect all documents used at the hearing. You will be provided with copies. You will have the opportunity to confront and question all witnesses who testify at the hearing, and the opportunity to question all evidence presented and to present oral and documentary evidence on the student’s behalf, including witnesses. As the student’s parent/guardian you have the obligation, pursuant to Education Code 48915.1, to provide information about the student’s status 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) or (c). Please contact me at (661) 618-0631 if you have any questions or concerns regarding this process.

Regards,

Dr. Patrick Hill
Vice President of Student Services
177 Holston
Lancaster, CA 93535
10. Conduct of Expulsion Hearing

Closed Hearing: Notwithstanding the provisions of 54953 and Education Code 35145, a panel shall conduct a hearing to consider the expulsion of the student in a session closed to the public. 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)) shall be the making of the expulsion Administrative panel.

Only panel members, student/parent and others that Parent brought as support, and school administrator and witnesses are allowed at the hearing.

Ca. Educ. Code 48918(d) Instead of conducting an expulsion hearing itself, the governing board may contract with the county hearing officer, or with the Office of Administrative Hearings of the State of California pursuant to Chapter 14 (commencing with Section 27720) of Part 3 of Division 2 of Title 3 of the Government Code and Section 35207, for a hearing officer to conduct the hearing. The governing board may also appoint an impartial administrative panel of three or more certificated persons, none of whom is a member of the board or employed on the staff of the school in which the pupil is enrolled.

The hearing shall be conducted in accordance with all of the procedures established under this section.

Implementation

One of the three panel members must be identified as the chair for the panel. The chair has the responsibility of leading the hearing by reading the prepared script, Exhibit I. The chair also has the responsibility of turning the decision or outcome of the hearing into the Superintendent, Exhibit J.

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

Implementation

A recording device is needed for each expulsion hearing. The hearing will be recorded and the recording submitted to the Superintendent or designee along with the written outcome. All present at the hearing will be notified that the hearing is being recorded.

Presentation of Evidence: Findings of fact shall be based solely on the evidence at the hearing. While 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) and (h), Exhibit K.
Ca. Educ. Code 48918(f) If the hearing officer or administrative panel recommends expulsion, findings of fact in support of the recommendation shall be prepared and submitted to the governing board. All findings of fact and recommendations shall be based solely on the evidence adduced at the hearing. If the governing board accepts the recommendation calling for expulsion, 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 this section that the governing board may order.

The decision of the governing board to expel a pupil 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 upon hearsay evidence. The governing board or the hearing officer or administrative panel may, upon a finding that good cause exists, determine that the disclosure of either the identity of a witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations which shall be examined only by the governing board or the hearing officer or administrative panel. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the pupil.

Ca. Educ. Code 48918 (h) Technical rules of evidence shall not apply to the hearing, but relevant evidence may be admitted and given probative effect only if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. A decision of the governing board to expel shall be supported by substantial evidence showing that the pupil committed any of the acts enumerated in Section 48900.

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.

Implementation

The administrator presenting the case must have all paperwork in chronological order.
The presenter must have one folder for each of the panel members and a folder for the
parent/guardian of the student. The folders must be identical; emphasis is placed on the content of the folder being identical for all parties. A picture(s) of any and all tangible evidence pertinent to the case shall be submitted as evidence. Witness testimonies must have other students’ names blacked out at all times. Background information on the student, grades, attendance, etc. may not be submitted as evidence during the presentation of the case. Such information may be submitted during the closing statements. Copies must be provided to the parent/guardian of items given to the hearing panel.
Today is______________ (date) at _________ (time) and we are commencing the Administrative Hearing Panel to consider the expulsion recommendation for _____________ (student name) to the ___________________ High School Board of Trustees.

1. My name is ________________ and I am __________(position), and I will serve as the chairperson of the Administrative Hearing Panel.

The Administrative Panel Members are: ___(name & position) and ___(name & position)

2. I will now introduce the person who will be representing the school: ________________________________________(name & position)

3. (Student name)_______, would you please introduce those persons who are with you and identify their relationship to you?

4. It is my responsibility to advise the pupil and the other persons in attendance representing the pupil that an electronic recording of the hearing will be made for the purpose of compliance with Education Code.

   FYI: A record of the hearing shall be made. This hearing is being recorded.

5. It is also my responsibility to advise those in attendance that the technical rules of evidence shall not apply to the hearing, but evidence may be admitted and given probative effect only if it is the kind upon which reasonable persons are accustomed to rely in the conduct of serious affairs.

   • Does anyone have questions or need clarification on this point?

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

6. It is important that student and those representing the student understand that they have the right to:
   i. Know the charges against the pupil;
   ii. Present fully the pupil’s side of the charges orally or in writing;
   iii. Review evidence, challenge evidence, present evidence, or introduce mitigating circumstances; and right to call witnesses.
   iv. Receive a copy of pupil’s cum file, if you so desire;
   v. Make a statement or response regarding the disciplinary action against the pupil, which will be made a part of the expulsion record.

(Clarify any items not well understood)

7. The purpose of this hearing is to determine whether there is sufficient evidence to recommend expulsion of student from ____________________________ to the Board of Trustees. It is our duty to provide a fair and impartial hearing. It is not our place to punish but to determine whether the pupil’s presence on campus poses a possible threat to others or would be disruptive to the learning process.

After it is determined whether it was an expellable offense, the Panel will decide what action to take with your individual case. The Panel has three (3) options available:

1) Recommend expulsion and a plan for rehabilitation; this could include counseling, community service, etc.;
2) Recommend expulsion, but suspend the enforcement of the expulsion and allow the student to return to school, not necessarily at the current school, plus a rehabilitation plan;
3) Recommend not to expel.

8. The meeting will be conducted in the following manner:

1) The school representative will present the charges, evidence and may call witnesses appropriate to testify. Members of the Panel, student and parent, or those representing the student, may ask questions of what is being presented.
2) The parent will present whatever evidence they have, whether it is written or verbal and whether they would like to call any witnesses; this would be the appropriate time. The same rules of cross-examination apply: the school may ask questions, as well as members of the Panel, as to what is presented.

3) Each party will have a chance to make a closing statement; school would be first; student and parent would be second; and then I, as Chair of the Administrative Hearing Panel, will have some closing comments. When I conclude my comments, the Panel will adjourn to closed session in order to reach a recommendation. This recommendation will then be forwarded to the Board of Trustees.

9. The school has the burden of proving the allegations in the notice of hearing. The district will present its case first, and then the student has an opportunity to present their case.

   This Panel will determine whether to recommend expulsion to the governing board.

   If this Panel recommends against expulsion, then the student will be immediately be
   reinstated and permitted to return to an instructional program. If this Panel
   recommends for expulsion, the matter will then be decided by the governing board
   who may or may not accept the recommendations to expel and/or any other
   recommendation this Panel may make.

10. I would ask all those who are going to give testimony to please raise your right hand. “Do you affirm that the information you are about to give will be the whole truth and
   nothing but the truth?” Those giving testimony will say “I do” or “I will”.

   FYI (The only persons remaining in the room are the parents of the student, or the attorney, or those representing the school district. Anyone other than these people should wait in the reception area and be called individually and sworn in at that time. Once they have finished giving testimony, they should be advised not to discuss that testimony with anyone else after they leave)

   ________ (name of school administrator), will you please address the due process requirements?
a) Who was the legally responsible administrator in this case? 
____________(name)
b) Was student enrolled in school at the time of the alleged incident? Yes / No
c) Was student suspended and the date? Yes / No _______(date)
d) Was the suspension proper under E.C. 48900 on the basis of the law? Yes / No
e) Was a parent conference held and the date? Yes / No 
____________(date)
f) Was student’s suspension extended? Yes / No
g) Was student arrested? Yes / No Was a sheriff’s report taken? Yes / No
h) Was there an anonymous tip involved in the school’s intervention? Yes / No
i) How are the students made aware of the rules, regulations and expectations regarding behavior on our campus? i.e. Handbook (point out page number in the student’s handbook)
j) Question by Chair of the School Administrator: Has the district provided documentation to the parents within the 10-day time limit? Yes / No

11. __________ (name of school administrator), do you have any witnesses?

The school representative now will present the case and review the evidence. Those representing the pupil will have the opportunity to cross-examine and question the school administrator on what was presented after members of the Administrative Hearing Panel have asked any questions for clarification.

School presents charges:

FYI (Here the presenter should mention the ed codes that the school is referencing for the expulsion, read the incident report, and then present any witness statements. If there are any witnesses, witness will be called one time and only once. The school may also review attendance, discipline record, and grades at this time, or in their closing statements.)

12. Student may now respond to the charges by calling any witness or by testifying in his/her behalf. If there are documents to be presented, please do so now.

13.___________ (name of pupil), do you have any witnesses?
The pupil, or representative, now will present the case and review the evidence. Those representing the school will have the opportunity to cross-examine and question the pupil on what was presented after members of the Administrative Hearing Panel have asked any questions for clarification.

Questions by a) Panel and by b) Administrator

14. Now that each party has finished presenting their case, each party has the opportunity of presenting a closing statement.

a) Does the school have any closing statements to be presented?

FYI (This would be a good time to include student attendance, discipline, grades and also the IEP if applicable, etc. This is also the appropriate time to reiterate the reasons this student should be expelled.)

b) Does the student or his/her representative have any closing statements?
   (Encourage the student to speak about why he/she should not be expelled)

15. Before this hearing is adjourned, I want to remind the student and his/her representatives of additional rights and possible alternatives.

   i. You have the right to appeal the local Board action to the _______ County Board of Education. Such appeal must be made within thirty (30) days following the local Board’s vote to expel.

   ii. If expulsion is recommended, you have the right to enroll student in a private or parochial school or in another school district.

   iii. There are alternative programs to which the pupil may be assigned, if the Board votes to expel but suspends the enforcement of the expulsion.

   iv. Any recommendations made by the Administrative Hearing Panel will be in writing and will be sent to you by mail.
16. After this hearing is adjourned, this Panel will make its determination in two (2) parts:

First: The Panel will determine if the alleged incident did occur and if violations of the Education Code, Board Policies and District code of Discipline did take place.

Second: If the Panel determines that the Ed Code has been violated, then the Panel will proceed to deliberate to determine what its recommendation to the Board of Trustees will be.

17. Please remember that the Board of Education is the only body that can expel a student. This Panel will only present to the Board a recommendation.

18. Are there any questions regarding these procedures?

19. This hearing is adjourned at ____________(time) and ______________(date).
Exhibit J

Date of Expulsion Hearing ________________

School recommending the Expulsion ______________________________________

Expulsion panel members:  ____________________________________________

____________________________________

____________________________________

____________________________________, Chair

Panel’s Decision:

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

Signatures of Panel Members:

____________________________________

____________________________________

____________________________________
Witness Affidavit:

I, ____________________________ declare as follows:

__________________________________________________________________

__________________________________________________________________

__________________________________________________________________

__________________________________________________________________

__________________________________________________________________

__________________________________________________________________

__________________________________________________________________

__________________________________________________________________

__________________________________________________________________

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

___________________________        _____________

Date and Place                        Signature
11. Hearing Panel Recommendation

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 Principal or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student’s teachers and with the student's parent/guardian, Education Code 48918(e).

If an 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 by the hearing officer or panel or upon the results of any supplementary hearing the Board may order, Education Code 48918(f).

Ca. Educ. Code (f) If the hearing officer or administrative panel recommends expulsion, findings of fact in support of the recommendation shall be prepared and submitted to the governing board. All findings of fact and recommendations shall be based solely on the evidence adduced at the hearing. If the governing board accepts the recommendation calling for expulsion, 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 this section that the governing board may order.

The decision of the governing board to expel a pupil 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 upon hearsay evidence. The governing board or the hearing officer or administrative panel may, upon a finding that good cause exists, determine that the disclosure of either the identity of a witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations which shall be examined only by the governing board or the hearing officer or administrative panel. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the pupil.

Implementation:

The hearing panel chair is responsible for submitting a document to the Vice President of Education stating the recommendation made by the panel, Exhibit J. Length of time for expulsions:

A. For the remainder of the semester in which the recommendation for expulsion was made.

B. One semester from the end of the semester in which the recommendation for expulsion took place.
C. One year (maximum) from the date the recommendation for expulsion was made.

In addition, the panel may recommend suspending the expulsion.

The recommendation will be submitted to the Board of Trustees.

D. School Administration must adhere to the timeline required in sending written notice to the parent/student of the Board meeting where the School Board will make the final decision on the submitted recommendation, Exhibit L.
DATE

Via Certified Mail

ADDRESS

Notice of Hearing Panel Recommendation,

Re: Notice of School Board Meeting

Dear:

This letter is to notify you that your son/daughter ___________________________ has been recommended for expulsion from ________________ Public Charter School. The recommendation by the ___________________________ based on the __________________ of ___________________________, will be brought to the ________________, Inc., School Board of Education for review in a close session meeting on ______________________ at _____ p.m. The Board's action on this matter will be announced during the public session following the review and a letter will be mailed to notify you of this action. You have the right to attend the board meeting and to address the board on your child's behalf. The meeting will take place at ___________________________. If you have any questions or concerns regarding this process, please call me at (661) 272-1225.

Sincerely,

Dr. Patrick Hill
Vice President of Student Services
177 Holston
Lancaster, CA 93535

The Board may appoint an impartial Hearing Officer to carry out a stipulated expulsion process only if and when the student /parent(s) agree.

If the parent/guardian agrees that their son/daughter behaved essentially in the manner stated in the principal’s letter recommending expulsion and that such behavior constitutes a violation of the California Education Code, Section 48900, 48900.2, 48900.3, 48900.4, 48900.7 and/or 48915 a suspendable/expellable offense, the parent/guardian may request to waive the Administrative Hearing panel, Exhibit M.

When the parent/guardian agrees to waive the Administrative hearing Panel, they also waive all notification and timelines related to the expulsion hearing process, along with their rights to appeal the determination of the Board.

The Board has the discretionary power to accept, reject, or modify all recommendations.

Implementation

This process is carried out by the Hearing Officer and it normally takes place at the same meeting for a possible extension of suspension. The parent is given and explained all information available on the suspension/expulsion process. The parent is given the option of choosing the stipulated process instead of the expulsion hearing. It is the parent that makes the decision. School Administration must adhere to the timeline required in sending written notice to the parent/student of the Board meeting where the School Board will make the final decision on the submitted recommendation, Exhibit L.
Exhibit M

TO: Board of ____________ Public Charter School
DATE: ____________

Student Name: ________________   D.O.B. ____________

_____________/Parent/Guardian acknowledges having met with Dr. Patrick Hill. ______ has been informed of, and understands the right to due process with regard to the expulsion recommendation against __________ by ____________, Principal, __________ Public Charter School.

We have received the suspension form and a copy of the Principal’s letter requesting expulsion. We received a letter dated ____________, which explained the reasons for the extended suspension placed upon __________.

After careful consideration, we voluntarily request a waiver of the pending expulsion hearing before a __________ Public Charter Administrative Hearing Panel. We understand that the purpose and the function of the waived hearing would have been for fact-finding and to submit recommendations to the Board when the Board meets to deliberate and act on this matter. We understand and agree to waive all rights we would have had in connection with the waived hearing, including the opportunity to appear in person or employ and be represented by counsel, to inspect and obtain copies of all documents to be used, to confront and question all witnesses, to question all other evidence to be presented and, to present oral and documentary evidence on behalf of __________ including witnesses.

We admit that __________ behaved in the manner stated in the principal’s letter recommending expulsion and that such behavior constitutes a violation of the California Education Code, 48900 (___)

______________________________________________________________
We request that all legal time lines and notifications in this matter be waived. By signing this waiver, we agree to waive our right to appeal any decision of the County Board of Education to expel based upon this admission.

The following will be presented to the Board of Education for its consideration. The term of expulsion will be for the ______ school year. ______ will be referred to ___________________ while on expulsion status.

The authority to determine whether the student has or has not complied with any requirements, term and/or condition related to the expulsion order of this Board shall be made by the Director of Student Services Designee. If the Director, in his/her discretion determines that the student has not maintained good attendance, good grades and proper conduct and has not complied with and/or performed any requirement imposed by this Board as a condition of the expulsion order, he may rescind enrollment in ___________________.

I knowingly, intelligently and voluntarily waive my constitutional rights in this matter. I do so freely and voluntarily with the understanding of the nature and consequences thereof.

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13. Final Action by the Board

If the Board 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 school. 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 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.

Ca. Educ. Code 48916. (a) An expulsion order shall remain in effect until the governing board, in the manner prescribed in this article, orders the readmission of a pupil. At the time an expulsion of a pupil is ordered 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 the semester 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. If an expulsion is ordered during summer session or the intersession period of a year-round program the governing board shall set a date, not later than the last day of the semester following the summer session or intersession period 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.

(b) The governing board shall recommend a plan of rehabilitation for the pupil at the time of the expulsion order, which may include, but not be limited to, periodic review as well as assessment at the time of review for readmission. The plan may also include recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs.

(c) The governing board of each school district shall adopt rules and regulations establishing a procedure for the filing and processing of requests for readmission and the process for the required review of all expelled pupils for readmission. Upon completion of the readmission process, the governing board shall readmit the pupil, unless the governing board makes a finding that the pupil has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other pupils or employees of the school district. A description of the procedure shall be made available to the pupil and the pupil's parent or guardian at the time the expulsion order is entered.

(d) If the governing board denies the readmission of an expelled pupil pursuant to subdivision (c), the governing board shall make a determination either to continue the placement of the pupil in the alternative educational program initially selected for the pupil during the period of the expulsion order or to place the pupil in another program that may include, but need not be limited to, serving
expelled pupils, including placement in a county community school.

(e) The governing board shall provide written notice to the expelled pupil and the pupil's parent or guardian describing the reasons for denying the pupil readmittance into the regular school district program. The written notice shall also include the determination of the educational program for the expelled pupil pursuant to subdivision (d). The expelled pupil shall enroll in that educational program unless the parent or guardian of the pupil elects to enroll the pupil in another school district.
14. Written Notice to Expel

The Principal or designee shall send written notice of the decision to expel to the student or parent/guardian. If the student is part of the Foster Care System, the same notice shall be sent to the student’s care worker and attorney. This notice, Exhibit N, 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-q), Education Code 48900.2 – 48900.4, 48900.8, and 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. Except for Stipulated expulsions who waived the right to appeal.
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.

Implementation

The principal shall also send a notification letter to the school district last attended by the student prior to attending the charter school. This letter will notify the district of the expulsion of the student, Exhibit O.
DATE

____________________, Student and
Parent of_______________________
(ADDRESS)____________________

Case Number: ____________
D.O.B.: ____________

Dear Student and Parent:

In a closed session held on______, the Board of Trustees of the ______________ Charter School heard the expulsion case of STUDENT’S NAME, who was charged with violation of California Education Code, Section 48900 ( ), ( ) and ( ). The Board of Trustees unanimously voted to adopt and accept the recommendation of the __________________________________ to expel ____________________ from ___________ Public Charter School for the (Example) remainder of this semester and the following semester, through June 29, 2012. _________________ is referred to __________________________________while on expulsion status. Please contact _________________ at _______________ ext._, for enrollment procedures.

As per Education Code 48915.1 subsection (b), if STUDENT’S NAME attempts to enroll in another school district, the parent of STUDENT’S NAME must inform the receiving school district of the expulsion status with the previous school district. If this information is not provided to the new school district and that school district later determines that STUDENT’S NAME was expelled from _________________ Public Charter School, the failure to disclose the required information shall be recorded and discussed in the hearing by the new school district to determine if STUDENT’S NAME may be enrolled in the new district. The governing board shall maintain a record of each expulsion. Records of expulsions shall be non-priveleged, disclosable public records.
Exhibit N

The order of this expulsion allows either STUDENT’S NAME and/or the parent of STUDENT’S NAME to apply for readmission to ________________ Public Charter School on ____________

A student expelled from ________________ Public Charter School District is not to be present on the grounds of any school, any school sponsored activity or any educational building within the school without specific school business and without knowledge of the administration in charge of the school or building.

If you have any questions, please feel free to call ______________, Principal at______________

Sincerely,

Dr. Patrick Hill
Vice President of Student Services
177 Holston
Lancaster, CA  93535
Dear Director:

Our records show that the referenced student was last enrolled in your school district. This shall serve as notice as required by Section 47605(d) (3) of California Education Code which states:

If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school notify the superintendent of the school district of the pupil’s last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. This paragraph applies only to pupils subject to compulsory full time education pursuant to Section 48200.

The following student is being reported to you, because he/she: was expelled from our school on ___________.

Student’s Name    SSID #    Birthdate    Finish Date    Student’s Address    Phone

As required by Education Code section 47605(d)(3), Please notify us if you would like a copy of the following documents which we have record for the student.

☐ cumulative record:
☐ transcript of grades:
☐ report card; and
☐ immunization record.

Please contact ___________ at___________________ for information regarding this letter, the process, or the student.

_______________ Administrative Assistant
15. Decision Not to Enforce Expulsion Order

Suspended Expulsion voted by Board of Trustees.

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.
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status.
3. The suspension of the enforcement of an 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 school’s rules and regulations governing student conduct.
4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion proceedings.

Ca. Educ. Code 48917. (a) The governing board, upon voting to expel a pupil, may suspend the enforcement of the expulsion order for a period of not more than one calendar year and may, as a condition of the suspension of enforcement, assign the pupil to a school, class, or program that is deemed appropriate for the rehabilitation of the pupil. The rehabilitation program to which the pupil is assigned may provide for the involvement of the pupil's parent or guardian in his or her child's education in ways that are specified in the rehabilitation program. A parent or guardian's refusal to participate in the rehabilitation program shall not be considered in the governing board's determination as to whether the pupil has satisfactorily completed the rehabilitation program.

(b) The governing board shall apply the criteria for suspending the enforcement of the expulsion order equally to all pupils, including individuals with exceptional needs as defined in Section 56026.

(c) During the period of the suspension of the expulsion order, the pupil is deemed to be on probationary status.

(d) The governing board may revoke the suspension of an expulsion order under this section if the pupil commits any of the acts enumerated in Section 48900 or violates any of the district's rules and regulations governing pupil conduct. When the governing board revokes the suspension of an expulsion order, a pupil may be expelled under the terms of the original expulsion order.

(e) Upon satisfactory completion of the rehabilitation assignment of a pupil, the governing board shall reinstate the pupil in a school of the district and may also order the expungement of any or all records of the expulsion proceedings.

(f) A decision of the governing board to suspend an expulsion order does not affect the time period and requirements for the filing of an appeal of the expulsion order with the county board of education required under Section 48919. Any appeal shall be filed within 30 days of the original vote of the governing board.
16. Right to Appeal

The student or parent/guardian is entitled to file an appeal of the Board’s decision with the County Board of Education, except for stipulated expulsions. 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, Education Code 48919.

Ca. Educ. Code 48919. If a pupil is expelled from school, the pupil or the pupil's parent or guardian may, within 30 days following the decision of the governing board to expel, file an appeal to the county board of education which shall hold a hearing thereon and render its decision.

The county board of education, or in a class 1 or class 2 county a hearing officer or impartial administrative panel, shall hold the hearing within 20 schooldays following the filing of a formal request under this section. If the county board of education hears the appeal without a hearing conducted pursuant to Section 48919.5, then the board shall render a decision within three schooldays of the hearing conducted pursuant to Section 48920, unless the pupil requests a postponement.

The period within which an appeal is to be filed shall be determined from the date a governing board votes to expel even if enforcement of the expulsion action is suspended and the pupil is placed on probation pursuant to Section 48917. A pupil who fails to appeal the original action of the board within the prescribed time may not subsequently appeal a decision of the board to revoke probation and impose the original order of expulsion.

The county board of education shall adopt rules and regulations establishing procedures for expulsion appeals conducted under this section. If the county board of education in a class 1 or class 2 county elects to use the procedures in Section 48919.5, then the board shall adopt rules and regulations establishing procedures for expulsion appeals conducted under Section 48919.5. The adopted rules and regulations shall include, but need not be limited to, the requirements for filing a notice of appeal, the setting of a hearing date, the furnishing of notice to the pupil and the governing board regarding the appeal, the furnishing of a copy of the expulsion hearing record to the county board of education, procedures for the conduct of the hearing, and the preservation of the record of the appeal.

The pupil shall submit a written request for a copy of the written transcripts and supporting documents from the school district simultaneously with the filing of the notice of appeal with the county board of education. The school district shall provide the pupil with the transcriptions, supporting documents, and records within 10 schooldays following the pupil's written request. Upon receipt of the records, the pupil shall immediately file suitable copies of these records with the county board of education.

Implementation

In the case of an appeal, all records of the suspension and expulsion proceedings will be requested. The records and recording will be reviewed by the County’s Board of Trustees. The County Board can uphold the decision of the school board or reject it.
17. **Teacher’s Notice** - To be used when admitting students who have been previously expelled from school.

A school District shall inform the teacher of each pupil who has engaged in, or is reasonably suspected to have engaged in, any of the acts described in any of the subdivisions, except subdivision (h), of Section 48900 or in Section 48900.2, 48900.3, 48900.4, or 48900.7 that the pupil engaged in, or is reasonably suspected to have engaged in those acts, Exhibit P. The district shall provide the information to the teacher based upon any records that the district maintain in its ordinary course of business, or receives from a law enforcement agency, regarding a pupil described in this section. Ed. Code 49079.

Ca. Educ. Code 49079. (a) A school district shall inform the teacher of each pupil who has engaged in, or is reasonably suspected to have engaged in, any of the acts described in any of the subdivisions, except subdivision (h), of Section 48900 or in Section 48900.2, 48900.3, 48900.4, or 48900.7 that the pupil engaged in, or is reasonably suspected to have engaged in, those acts. The district shall provide the information to the teacher based upon any records that the district maintains in its ordinary course of business, or receives from a law enforcement agency, regarding a pupil described in this section.

(b) A school district, or school district officer or employee, is not civilly or criminally liable for providing information under this section unless it is proven that the information was false and that the district or district officer or employee knew or should have known that the information was false, or the information was provided with a reckless disregard for its truth or falsity.

(c) An officer or employee of a school district who knowingly fails to provide information about a pupil who has engaged in, or who is reasonably suspected to have engaged in, the acts referred to in subdivision (a) is guilty of a misdemeanor, which is punishable by confinement in the county jail for a period not to exceed six months, or by a fine not to exceed one thousand dollars ($1,000), or both.

(d) For the 1994-95 school year, the information provided shall be from the previous two school years. For the 1996-97 school year and each school year thereafter, the information provided shall be from the previous three school years.

(e) Any information received by a teacher pursuant to this section shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

**Implementation**

_The principal is responsible for notifying the supervising teacher according to the requirement of Ed. Code 49079. This code reminds all educators that this information is to stay confidential and shall not be disseminated by the teacher. In addition, this education code requests that the information provided shall be from the previous three school years. Since for the most part our students are recent enrollees, the information to be provided must be the information available to the school at the time of enrollment and henceforth. Teacher’s Notice, Exhibit P. The supervising teacher is to make an entry on the global notes section of the student’s electronic record._
Student Notification
(Education Code Section 49079)

Dear

Pursuant to Education Code 49079, you are being notified that the _______________ High School has reviewed the cumulative files of ________________ for the last ________ years. Our review indicates that the student has previously been engaged in an act(s) under 48900( )( ): ________________________________________

____________________________________________________________________________

You are advised that you have received the foregoing information in confidence and you are not to disseminate this information to any person under any circumstances.

If you have any questions or comments regarding this matter, please contact me.

Sincerely,

_____________________
Principal
18. Notifications 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. Ed. Code 48902, Exhibit Q.

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 possession of weapons or firearms in violation of Penal Code 629.9 and 626.10.

Within one school day after a student’s suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Ed. Code 48900 (c) or (d), relating to the possession, use, offering or sale of controlled substances, alcohol, or intoxicants of any kind. Ed. Code 48902.
Section 1415 of Title 20 of the United States Code, for consideration by the appropriate authorities to whom he or she reports the criminal act. Any copies of the pupil's special education and disciplinary records may be transmitted only to the extent permissible under the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g et seq.).

Implementation

All communication with the authorities must be documented by school staff as part of the suspension/expulsion report and also as part of information that may have to be provided to parents and/or guardians. Document at what time the call was placed, which officer responded to the call, and/or if no one responded to the call.
Exhibit Q

Law Enforcement Notification

Date of Notification: _____________

Time: _________________

Person making notification: ____________________________

RE: Notification of PC 245 Violation (OR)
    Notification of Drug/Alcohol Offense (OR)
    Pupil Assault/Attack on School District Employee

Date: _________________________

As required by Education Code section 48902, I write to inform you that a student at our school is alleged to have been involved in □ an assault with a deadly weapon or □ is alleged to have violated Education Code Section 48900 (c) or (d) [possessed or sold drugs or alcohol] or □ has attacks, assaults, or menaces a school district employee.

The Education Code requires that law enforcement be notified prior to suspending a student for any act, which may violate Penal Code section 245 (also see Education Code section 44030). The Education Code also requires that law enforcement be notified within one (1) day of suspending a student for possession or sale of drugs or alcohol or if a pupil attacks, assaults, or menaces a school district employee (see Education Code section 44014). Please consider this memo that notification.

This notification relates to the following facts:

Student Name: ______________________________________________
Date of Incident: ____________________________________________
Grade: ______________________________________________________
Home Address: ____________________________________________
Home Telephone: ____________________________________________
Education Code section violated: _____________________________
Description of Incident: ____________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Law Enforcement Responded □ Yes □ No

Name of Contact Officer: ____________________________________________
Exhibit R

Expulsion Referral Check List

Student Name: _______________________________  Grade: ________ DOB: __________

Administrative Hearing Panel Meeting date and time: __________________________

Check the items listed below that are attached:

Process Documents

☐ 1. Parent Suspension Letter  ☐ 2. Request of Recommendation for Expulsion

☐ 3. Summary Report Describing Actions Taken by the School to Correct Student’s Previous Misbehavior (if appropriate)

☐ 4. Notice of Extension of Suspension Meeting  ☐ 5. Letter of Results of Extension of Suspension Meeting

☐ 6. Stipulated Expulsion packet, if applicable  ☐ 7. Notice to parent of expulsion hearing date

☐ 8. Notice to parent of board meeting date  ☐ 9. Law Enforcement Notification (if necessary)

10. If student is part of Foster Care System, required documents:
☐ Case Worker and Attorney notice of IEP mtg., if student in Sp. Ed.
☐ Case Worker and Attorney notice of extended suspension mtg.
☐ Case Worker and Attorney notice of expulsion hearing
☐ Case Worker and Attorney notice of expulsion board meeting

Student Records:


☐ 14. 504 or Sp Ed manifestation  ☐ 15. Counselor Report

Verification Documents Pertaining to Recommended Expulsion:


Closing Documents:

☐ 18. Letter to Student /Parent of Board mtg. results

☐ 19. Law Enforcement Notification Letter (if necessary)

☐ 20. If expelled, letter to District student last attended