



ADMINISTRATIVE PROCEDURE

CATEGORY: **Students, Discipline**

SUBJECT: **Expulsion**

A. PURPOSE AND SCOPE

1. To outline district procedures governing expulsion of a student from school.
2. **Related Procedures:**

Independent Study	4316
Suspension	6290
Alcohol, Tobacco, and Other Drugs	6298
Student-to-Student Bullying, Harassment or Intimidation	6381
Student Records, Retention and Destruction	6520
Release of Directory-Type Student Information	6525

B. LEGAL AND POLICY BASIS

1. **Reference:** Board policies A-3700, F-3100, F-6000, H-5000, H-6000, H-6800, H-6900, H-6940, H-6950, and H-8900; Board action of 7-29-14 regarding discipline, zero tolerance and restorative justice practices; California Education Code §48900 *et seq.*, and 49079; California Code of Regulations, Title 5, §305; California Penal Code §240, 242, 245.6(b), and 868.5; Health and Safety Code §11053 *et seq.*; 18 United States Code §921; Section 504 of the Rehabilitation Act of 1973.
2. **District Policy.** All students shall comply with the regulations, pursue the required course of study, and submit to the authority of the teachers of the schools (Education Code §48908). The Board of Education supports school principals, vice principals, counselors, teachers, and students in maintaining positive, safe and productive cultures in our schools and at all school-sponsored activities. All students have a right to a high quality education supported by disciplinary practices that do not exclude students from school or otherwise deprive them from such an education unless it is necessary to preserve the safety of students and staff. Whenever possible, principals are encouraged to utilize multiple interventions to address negative behavior prior to recommending a student for expulsion. Schools shall implement positive intervention strategies as needed to correct student misbehavior.

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Placement and Appeal Office, Student Services Division.
2. **Definitions.**
 - a. **Principal’s designee:** An administrative employee designated by the principal, in writing, to assist with disciplinary procedures. A second person also shall be designated by the principal, in writing, to serve as designee when the principal and the primary designee are absent from the school site. These names must be on file in the principal’s office. The principal must annually record designations.
 - b. **Superintendent’s designee:** For purposes of this procedure, the lead official of the Placement and Appeal Office, unless specified otherwise in this procedure.

- c. **Suspension:** Temporary removal of a student from ongoing instruction at the school site for purposes of adjustment, as outlined in Administrative Procedure 6290. The following do *not* constitute formal suspension:
 - (1) Reassignment or referral to another educational program or class at the same school.
 - (2) Referral to a district employee designated by the principal to advise students.
 - (3) Reassignment to an independent study program (Administrative Procedure 4316).
 - d. **Expulsion:** Removal of a student from the immediate supervision and control, or general supervision, of school personnel. An expelled student may not participate in any district program or activity, including any independent study program; however, the student may be eligible to attend a district or county community day school program.
 - e. **Suspended expulsion:** Upon recommendation of the Expulsion Review Panel or the hearing officer, modifying an expulsion order contingent upon fulfillment of certain conditions. A student whose expulsion is suspended pursuant to Education Code §48917 may be assigned by the Board of Education to a school, alternative school, class, independent study program, or program deemed appropriate for the student’s rehabilitation. During the period of the suspended expulsion, the student is deemed to be on “probationary status.” Upon satisfactory completion of the rehabilitation assignment by the student, the Board of Education shall reinstate the student in a district school and also may order the expungement of any and all records of the expulsion proceedings.
 - f. **Day:** One calendar day unless specified otherwise.
 - g. **School day:** A day when schools of the district are in session, or weekdays during summer recess.
3. **Grounds for Suspension and/or Expulsion.** A student shall not be recommended for expulsion unless the superintendent or principal of the school in which the student is enrolled determines that the student has committed any of the following acts:

	Offense	Description	Code*
a.	Assault / Battery	Includes caused, attempted to cause physical injury, or threatened to cause physical injury to another person (including school employees); willfully used force or violence upon the person of another, except in self-defense; also includes attempted sexual assault, sexual assault, and sexual battery.	01
b.	Weapons	Possessed, sold, or otherwise furnished any firearm, replica firearm, knife, explosive, or other dangerous object or used any object in a threatening manner.	02
c.	Alcohol / Intoxicants /	Includes unlawfully possessed, used, sold, or	03

	Offense	Description	Code*
	Controlled Substances	furnished or under the influence of alcohol intoxicants, or controlled substances.	
d.	Substance in Lieu of Alcohol / Intoxicants / Controlled Substances	Delivered, furnished, and/or sold items that were claimed to be alcohol, intoxicants, or controlled substances, but were not such items.	04
e.	Robbery / Extortion	Committed or attempted to commit robbery or extortion.	05
f.	Damage to Property	Caused or attempted to cause damage to school property or private property.	06
g.	Theft of Property	Stole or attempted to steal school property or private property, or received stolen property.	07
h.	Tobacco or Nicotine Products	Possessed, furnished, or used tobacco, or any item containing tobacco or nicotine products. A fourth offense requires an expulsion referral.	08
i.	Obscenity / Profanity / Vulgarity	Committed an obscene act or engaged in habitual profanity or vulgarity.	09
j.	Controlled Substance Paraphernalia	Possessed, offered, arranged or negotiated to sell any drug paraphernalia.	10
k.	Disruption/Defiance	Disrupted school activities or willfully defied the authority of school personnel.	11
l.	Sexual Harassment (Grades 4 to 12)	Made unwelcomed sexual advances, requests for sexual favor, and other verbal, visual, or physical conduct of a sexual nature 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.	13
m.	Hate Violence (Grades 4 to 12)	Caused, threatened to cause, attempted to cause, or participated in acts of hate against persons or property.	14
n.	Threats and Intimidation	Harassed, intimidated, or threatened a student who is a witness in a disciplinary proceeding to prevent the student from being a witness or as retaliation against the student for being a witness; written or verbal threat against school official; or threats to cause major property damage; bullying (including electronic acts). Also see Administrative Procedure 6381.	15
o.	Harassment (Grades 4 to 12)	Harassed, intimidated, or threatened a student or group of students or school personnel with the actual or expected effect of disrupting class work, or creating substantial disorder or creating an intimidating or hostile educational environment.	17
p.	Hazing	Engaged in, or attempted to engage in, hazing as defined in Penal Code §245.6, Subdivision (b).	18

*Refers to Report on Suspension form, Administrative Procedure 6290

-
4. A student may be suspended or expelled for those acts listed above and related to school activity or attendance that occur at any time, but not limited to, any of the following:
- a. While on school grounds
 - b. While going to or from school
 - c. During lunch period, on or off campus
 - d. During, or while going to or from, a school-sponsored activity

Note: If a student is arrested off campus, he/she may be suspended at that time or upon return to campus.

5. **Principal's Authority to Suspend** is outlined in Administrative Procedure 6290.
6. **Extension of Period of Suspension.** In a case where expulsion is being reviewed by the Board of Education, superintendent or designee, in writing, may extend a suspension until such time as the Board of Education makes a decision on the action. (Education Code §48911[g]) An extension may be granted only if the superintendent or designee determines, following a meeting in which the student and the student's parent/guardian are invited to participate, that the presence of the student at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process.
7. **Mandatory Recommendation for Expulsion Offenses Pursuant to Education Code §48915(c) (All Students).** The school principal or designee must suspend and recommend for expulsion a student that, after investigation, is determined to have committed any of the following acts at school, directly to or from school, or at a school-related activity.
- a. **Possessing, selling or otherwise furnishing a firearm.**
 - (1) The act of possessing the firearm must be verified by a district employee.
 - (2) A "firearm" is defined, under 18 United States Code §921, as:
 - (a) Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.
 - (b) The frame or receiver of any weapon described above.
 - (c) Any firearm muffler or firearm silencer.
 - (d) Any destructive device, which includes:
 - i. Any explosive, incendiary, or poison gas (e.g., bomb, grenade, rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine or similar device).

-
- ii. Any weapon which will, or may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has a barrel with a bore of more than one-half inch in diameter.
 - iii. Any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled.
 - iv. Antique firearms are not included in the definition, nor are Class-C common fireworks.
- b. **Brandishing a knife at any other person.** For the purposes of this procedure, “brandishing” means “show or display in a threatening manner.” 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 ½ inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.
 - c. **Unlawfully selling a controlled substance** listed in Health and Safety Code §11053 *et seq.*
 - d. As defined in Education Code §48900(n), **committing or attempting to commit a sexual assault or committing a sexual battery.**
 - e. **Possession of an explosive device** as described in 18 United States Code §921.
8. After reviewing the facts and findings of the hearing officer or administrative panel appointed pursuant to Section C.16.c. the Board of Education shall order a student expelled upon finding that the student committed any of the acts described in Section C.7.a.-e. All five of the above-noted mandatory expulsion recommendations approved by the Board of Education will be for a period of one year, except that the Board of Education may set an earlier date for readmission on a case-by-case basis.
9. **Discretionary Recommendation for Expulsion Offenses** pursuant to Education Code §48915. The school principal may recommend expulsion for students found to have committed the acts specified in Section C.3. In all cases, the principal or designee must conduct an investigation which includes, but is not limited to, interviewing the student or students accused of the violation, interviewing witnesses, and gathering evidence, as appropriate. If the principal is considering recommending a student for a discretionary expulsion, he/she shall contact the Placement and Appeal Office for further direction. The following list specifies some instances wherein a principal may recommend a student for a discretionary expulsion:
- a. **Weapons, violent acts and repeated fighting.** The school principal or designee may suspend and recommend for expulsion students who possess a knife or any other dangerous object in school. In addition, the principal may suspend and recommend for expulsion students who are involved in three or more incidents of fighting that inflicts injury within one year. This policy shall apply to middle and senior high school students (grades 6 through 12). An object used in a threatening manner shall be considered a

- a. All elementary students who commit a serious offense but are not recommended for expulsion may be suspended in accordance with the guidelines indicated in Administrative Procedure 6290. In addition, elementary principals shall convene a multi-disciplinary team at the school to determine if specific interventions are necessary to address the student's conduct. A report of the multi-disciplinary team's determinations must be made available by the principal to the Placement and Appeal Office and the respective Area Superintendent. The Placement and Appeal Office will make an annual report to the Board of Education with information concerning the number of students suspended under this procedure at each elementary school.

13. **Students with disabilities.**

- a. **Manifestation determination.** In a matter involving a student with disabilities who is currently receiving special education services, the Board of Education may order the student expelled, only if the Board also finds, based upon a determination by an Individualized Education Program (IEP) team that:
 - (1) The student's conduct was not caused by, or did not have a direct and substantial relationship to, the student's disability.
 - (2) The student's conduct was not the direct result of the district's failure to implement the IEP.
- b. If the IEP team or other qualified district personnel determine that any of the standards described in Section C.13.a. are not met, the behavior must be considered a manifestation of the student's disability.
- c. **Notification of rights.** The student's parent/guardian must immediately be notified of the decision to recommend expulsion. In addition, the student's parent/guardian must be provided the procedural safeguards notice and informed of his/her right to participate in the IEP team meeting.
 - (1) Notification and scheduling of IEP team meeting. The IEP team meeting must be held within ten school days of the decision to recommend expulsion and at a time and place mutually convenient to the parent/guardian and school personnel. A telephone conference call may be substituted for the IEP team meeting. In addition, parent/guardian must be notified of his/her right to participate in the IEP team meeting.
- d. **IEP team considerations.**
 - (1) The IEP team must consider, in terms of the behavior subject to expulsion, all relevant information, including evaluation and diagnostic results, results or other relevant information supplied by the student's parent/guardian, observations of the student, and the student's IEP and placement
 - (2) The IEP team must develop an assessment plan, if necessary, whenever a functional behavioral assessment or behavior intervention plan was not conducted or implemented for the student before the behavior subject to expulsion. If the student already has a behavioral intervention plan, the IEP team

must review the plan and its implementation, and modify the plan and its implementation, as necessary, to address the behavior.

- e. **Students not yet eligible for special education and related services.** A student who has not been determined to be eligible for special education and related services and has been recommended for expulsion may assert any of the protections in Section C.13.c.-d. if school personnel had knowledge that the student was a student with a disability before the behavior that precipitated the recommendation for expulsion occurred. School personnel will be deemed to have knowledge that a student is a student with a disability if any of the following occurred:
- (1) The parent/guardian expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the student, that the student is in need of special education and related services;
or
 - (2) The parent/guardian requested an evaluation of the student; or
 - (3) The teacher of the student, or other district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the Special Education Executive Director or to other supervisory district personnel.
14. **Students Eligible for Services under Section 504 of the Rehabilitation Act of 1973.** The Board of Education may order a student expelled, only if the Board also finds, based upon a determination by an instructional study team, that the student's behavior was not a manifestation of the student's disability.
15. **Students in Foster Care pursuant to AB 1909** (Education Code §48911). Upon receipt of a recommendation for expulsion of a student in foster care, Placement and Appeal personnel shall notify the Children and Youth in Transition Department. The student's attorney and/or appropriate representative of the county child welfare agency shall be invited to participate in all expulsion-related meetings and hearings.
16. **Rules governing expulsion procedures.**
- a. Within 30 school days of the principal's or designee's determination that the student has committed an offense for which he/she may be expelled, the student is entitled to a hearing to determine whether the student should be expelled.
 - (1) The student is entitled to 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 Board of Education or its designee.
 - (2) If compliance by the Board of Education with the time requirements for conducting an expulsion hearing is impracticable during the regular school year, the superintendent or designee may for good cause, extend the time period for holding the expulsion hearing for five additional school days. Reasons for that extension of time shall be included as part of the record when the expulsion hearing is conducted.

- (3) If compliance by the Board of Education with the time requirements for conducting an expulsion is impracticable due to the Board's summer meeting recess of more than two weeks, the days during the recess period shall not be counted as school days in meeting the time requirements. The days not counted as school days in meeting the time requirements for an expulsion hearing because of a summer recess of board meetings shall not exceed 20 school days, as defined in Section C.2.g, and unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of school for the school year. Reasons for that extension of time shall be included as part of the record when the expulsion hearing is conducted.
 - (4) Upon commencement of the hearing, matters shall be pursued and conducted with reasonable diligence and concluded without any unnecessary delay.
- b. Written notice of the hearing shall be forwarded to the student and parent/guardian at least ten calendar days before the hearing date. The notice shall include:
- (1) Date and place of the hearing.
 - (2) The specific facts and charges upon which the proposed expulsion is based.
 - (3) A copy of the district disciplinary rules that relate to the alleged violation.
 - (4) The opportunity for the student or student's parent/guardian to appear in person or to employ and be represented by counsel.
 - (5) The right to inspect and obtain copies of all documents to be used at the hearing.
 - (6) The opportunity to confront and question all witnesses who testify at the hearing and to question all other evidence presented.
 - (7) The opportunity to present oral and documentary evidence on the student's behalf, including witnesses.
- c. **Expulsion Review Panel.** Pursuant to Education Code §48918(d), the Board of Education authorizes certificated administrators (retired or active), site administrators, and other certificated designees to serve as an impartial Expulsion Review Panel. This panel consists of at least three certificated persons, none of whom are employed on the staff of the school in which the student is enrolled.
- (1) The Expulsion Review Panel shall include a presiding officer and two other members.
 - (2) The Expulsion Review Panel shall conduct a hearing to consider the recommendation for expulsion from the principal or superintendent in a session closed to the public, unless the student or student's parent/guardian submits a written request to the Placement and Appeal administrator, at least five days prior to the hearing date, that the hearing be conducted in public. Regardless of whether the expulsion hearing is conducted in a closed or public session, the

Expulsion Review Panel may meet in closed session to deliberate and to determine whether to recommend expulsion of a student.

- (3) Except as provided in this section, no decision to expel shall be based solely upon hearsay evidence.
 - (a) The Board of Education or the Expulsion Review Panel may, upon a finding that good cause exists, determine that disclosure of the identity of a witness and the testimony of that witness at the hearing would subject the witness to unreasonable risk of harm. Upon this determination, testimony of the witness may be presented at the hearing in the form of sworn declarations that shall be examined by the Board or the panel.
 - (b) Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the student.
- (4) 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 written transcription of the proceedings can be made.
- (5) Technical rules of evidence shall not apply to the hearing, but relevant evidence may be admitted and given probative effect if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. A decision of the Board of Education to expel shall be supported by substantial evidence showing that the student committed any of the acts specified in Education Code §48900.
- (6) If the Expulsion Review Panel admits any other person to a closed deliberation session, the student, his/her parent/guardian, and the student's counsel shall be allowed to attend the closed deliberation.
- (7) Within three school days following the hearing, the Expulsion Review Panel shall determine whether to recommend expulsion of the student to the Board of Education.
- (8) If the Expulsion Review Panel decides *not* to recommend expulsion, expulsion proceedings shall be terminated.
 - (a) The student shall immediately be reinstated and permitted to return to a classroom instructional program, any other instructional program, a rehabilitation program, or a combination of these programs. Placement in one or more of these programs shall be made by the Placement and Appeal Office after consultation with school district personnel, including the student's teachers, and with the student's parent/guardian.
 - (b) The decision not to recommend expulsion is final.
- (9) If the Expulsion Review Panel recommends expulsion, findings of fact in support of the recommendation shall be prepared and submitted to the Board of Education.

-
- (a) All findings of fact and recommendations shall be based solely on evidence adduced at the hearing.
 - (b) If the Board of Education accepts the recommendation calling for expulsion, acceptance shall be based either upon a review of the findings of fact and the recommendations submitted by the Expulsion Review Panel, or upon the results of any supplementary hearing, conducted pursuant to this section, that the board may order.
- d. **Rules governing expulsion procedures involving allegations concerning sexual assault or sexual battery.**
- (1) Whenever any allegation is made involving sexual assault or sexual battery the complaining witness and accused student(s) are to be advised immediately to refrain from personal, telephonic, or electronic contact with each other during the pendency of any expulsion. (This provision includes refraining from contact and/or making mention of the proceedings via social media.)
 - (2) At the time that the expulsion hearing is recommended, the complaining witness shall be provided with a copy of this procedure and advised of his or her right to:
 - (a) Receive five days' notice of the complaining witness' scheduled testimony at the hearing.
 - (b) Have up to two adult support persons of his/her choosing, present in the hearing at the time he/she testifies.
 - (c) To have the hearing closed during the time they testify.
 - (3) An expulsion hearing may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness where the allegations involve sexual assault or sexual battery.
 - (4) In a hearing in which a student is alleged to have committed or attempted to commit a sexual assault or a sexual battery, 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 his/her testimony. Before a complaining witness testifies, support persons shall be notified that the hearing is confidential. Nothing in this subdivision shall preclude the presiding officer from removing a support person whom the presiding officer finds is disrupting the hearing. If one or both of the support persons is also a witness, the provisions of Penal Code §868.5 shall be followed for the hearing.
 - (5) The district shall provide a nonthreatening environment for a complaining witness in order to better enable him/her to speak feely and accurately of the experiences that are the subject of the expulsion hearing, and to prevent discouragement of complaints. The district shall provide a room separate from the hearing room for the use of the complaining witness prior to and during breaks in testimony. At the discretion of the presiding officer, the complaining witness shall be allowed

reasonable periods of relief from examination and cross-examination during which he or she may leave the hearing room. The presiding officer of the hearing may arrange the seating within the hearing room of those present in order to facilitate a less intimidating environment for the complaining witness. The person conducting the hearing may limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.

- (6) 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 or sexual battery, a complaining witness shall have the right to have his/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.
 - (7) In hearings that include an allegation of committing or attempting to commit a sexual assault or sexual battery, evidence of specific instances of a complaining witness' prior sexual conduct is to be presumed inadmissible and shall not be heard without 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.
- e. **Only the Board of Education may expel a student.** A decision of the Board of Education to expel a student shall be based upon substantial evidence relevant to the charges adduced at the expulsion hearing before the Expulsion Review Panel.
- (1) Final action to expel a student shall be taken only by the Board of Education in public session.
 - (2) The Board of Education may meet in closed session to deliberate and determine whether the Expulsion Review Panel's recommendation to expel should be adopted.
- f. **Expulsion orders.**
- (1) An expulsion order shall remain in effect until such time as the Board of Education orders readmission of a student.
 - (2) The Board of Education shall recommend a plan of rehabilitation for the student at the time of the expulsion order that may include, but not be limited to, periodic review and assessment at the time of application for readmission. The plan also

may include recommendations for counseling, employment, community service, or other rehabilitative programs.

- (3) The decision of the Board of Education to expel also shall direct that the student contact the Placement and Appeal Office before the end of the last semester of expulsion. The Placement and Appeal Office shall determine appropriate placement for the student upon readmission, taking in to account the nature of the offense leading to expulsion and the health, safety, and welfare of all district staff and students.

g. Readmission process/rehabilitation plan.

- (1) The Board of Education shall recommend a plan of rehabilitation for the student at the time of the expulsion order that 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.
- (2) Upon completion of the readmission process, the Board of Education shall readmit the student unless the Board makes a finding that the student has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other students or employees of the school district. A description of the readmission process shall be made to the student and parent/guardian at the time the expulsion order is entered.
- (3) If the Board of Education denies the readmission of an expelled student, the Board shall make a determination either to continue the placement of the student in the alternative educational program initially selected for the student during the period of the expulsion order or to place the student in another program that may include, but need not be limited to, serving expelled students, including placement in a community day school.
- (4) The Board of Education shall provide written notice to the expelled student and the parent/guardian describing the reasons for denying the student readmittance into the regular school district program. The written notice shall also include the determination of the educational program for the expelled student. The expelled student shall enroll in that educational program unless the parent/guardian elects to enroll the student in another school district.

h. Suspension of order to expel.

- (1) The Board of Education, upon deciding to expel a student, may suspend enforcement of the expulsion order for a period of not more than one calendar year and may, as a condition of suspension of enforcement, assign the student to a school, class, or program deemed appropriate for rehabilitation of the student.
 - (a) During the period of suspension of an expulsion order, the student shall be on probationary status.

-
- (b) The suspension of expulsion order may be revoked by the Board of Education if the student commits any of the acts specified in Education Code §48900 or violates any district rule or regulation governing student conduct.
- (2) Upon satisfactory completion of the student's rehabilitation assignment, the Board of Education shall readmit the student. Upon reinstatement, the Board may order expungement of any or all records of the expulsion proceedings.
- i. **Revocation of suspended expulsion.** If a student on suspended expulsion commits any of the acts specified in Education Code §48900 or violates any district rule or regulation governing student conduct, that student may be recommended for revocation of the suspended expulsion and a change of placement.
- (1) Upon receipt of the recommendation for revocation of suspended expulsion, the Placement and Appeal Office will send a letter to the student's parent/guardian advising of the recommendation and of the right to request a meeting with Placement and Appeal personnel.
- (2) A meeting with the parent/guardian will be held prior to the date the case would be presented to the Board of Education. If it is determined that the recommendation will go forward, or if the parent/guardian chooses not to request a meeting, the case will be presented to the Board of Education for action on the matter. At that time, the Board of Education may order that the suspended expulsion be revoked and that the student's placement be changed.
- j. **Appeals.** A student may appeal the decision to expel by filing, within 30 days of the date of the decision, an appeal to the County Board of Education. A decision of the Board of Education to suspend an expulsion order shall not affect the time period and requirements for filing an appeal of the expulsion order with the County Board of Education.
17. **Enrollment of students expelled from other school districts.** Education Code §48915.1 provides:
- a. If a student has been expelled for an act other than those described in Education Code §48915(a) or (c), the district may deny enrollment for the remainder of the expulsion period, after a hearing and determination that the individual poses a potential danger to students or employees of the district.
- b. If, after a hearing, it is determined that the individual does not pose a danger, the student shall be permitted to enroll if he/she can prove legal residence in the district or is enrolling pursuant to an inter-district attendance agreement.
- c. In these cases, the hearing shall be before a hearing officer and shall be held pursuant to provisions of Education Code §48918. The district may request information about the student from the prior school district. The district of prior enrollment must respond to this request within five workdays of receipt.
- d. The hearing officer may recommend, and the Board of Education has, the following options when considering enrollment:

- (1) Deny enrollment
- (2) Permit enrollment
- (3) Permit conditional enrollment in a regular school program or another educational program

D. IMPLEMENTATION

1. Principal or designee.

- a. Conducts an investigation that includes, but is not limited to interviewing the student(s) accused of the violation, interviewing witnesses and gathering evidence, as appropriate. If the principal is considering recommending a student for a discretionary expulsion, he/she shall contact the Placement and Appeal Office for further direction.
 - (1) Law enforcement involvement does not preclude the principal or designee from conducting his/her own investigation. Though administrators may collaborate with law enforcement officials, the principal or designee is responsible to conduct an investigation, as outlined in Administrative Procedure 6290.
- b. Reviews facts of the incident and makes an initial determination as to whether the student has committed an act for which he/she must or may be recommended for expulsion (Sections C.3, C.7.-9.).
- c. When any student is recommended for suspension for any reason requiring police notification as specified on the Report on Suspension (Administrative Procedure 6290):
 - (1) Calls School Police Services at 619-291-7678 for further direction.
 - (2) If necessary, detains student at school, when feasible and without physical force until a police officer arrives. Following investigation, if police officer determines a criminal act occurred and an arrest is warranted, police officer determines appropriate disposition of student. Disposition may include releasing student back to school, releasing student to parent/guardian, or placing student into protective custody.
 - (3) If student is arrested by police officer, may suspend student at that time or upon his/her return to campus.
- d. Shall ensure student's right of due process as outlined in Administrative Procedure 6290.
- e. If after investigation determines that suspension is justified, places alleged offender on a five-day suspension as outlined in Administrative Procedure 6290.
- f. Shall determine if expulsion should be recommended. If principal recommends expulsion, consults with the Placement and Appeal Office for appropriate action. If after further investigation it is determined that incident is not as serious as first appeared, may handle case at site level and use services of school counselors and other key

personnel. Cooperatively reaches decision with Placement and Appeal administrator or designee. In some instances involvement of Legal Services or the Area Superintendent is appropriate.

2. Placement and Appeal Administrator.

- a. Assigns responsibility to Placement and Appeal personnel (i.e., counselor or case manager).
- b. Assigns responsibility to the Special Education Division for record review to determine possibility of further assessment.
- c. After meeting with student and parent/guardian, decides either to extend or to terminate suspension of student; may place student in an alternate school setting, including independent study. Decision to extend suspension must be based on a finding that presence of student at school would constitute a danger to persons or property, or a threat of disrupting the instructional process.
 - (1) If decision is to terminate suspension and place student in an alternative setting pending expulsion hearing, arranges for appropriate placement.
 - (2) If decision is to extend suspension, must notify student's parent/guardian and may refer student to independent study program.
- d. Represents district at expulsion hearing; ensures that the proceedings are accurately recorded and all procedures are followed; may request assistance of Legal Services when necessary.
- e. Presents the findings of the Expulsion Review Panel and other hearings to the Board of Education during closed session.

3. Placement and Appeal Counselor (or other designee).

- a. Reviews facts of case.
- b. Notifies student and parent/guardian of due process rights.
- c. Coordinates and makes direct contact with alleged offender and parent/guardian to determine interim placement pending hearing.
- d. Provides follow-up counseling and placement as a result of Expulsion Review Panel and Board decisions.
- e. Serves as hearing officer for out-of-district expulsion hearings to recommend placement.
- f. Serves as hearing officer on Expulsion Review Panel, as necessary.

4. Expulsion Review Panel. Convenes expulsion hearing to hear all written or oral evidence pertaining to incident or student, as deemed relevant by presiding officer. When advisable may request additional information be obtained by Placement and Appeal personnel.

5. If Expulsion Review Panel recommends expulsion of student, the Placement and Appeal administrator forwards evidence presented to Expulsion Review Panel and findings of fact to the Board of Education for action.
6. **Board of Education.**
 - a. May meet in closed session to deliberate and determine if Expulsion Review Panel's recommendation to expel a student should be adopted.
 - b. If accepting recommendation for expulsion, bases acceptance on either a review of findings of fact and recommendations submitted by Expulsion Review Panel or upon results of any supplementary hearing the Board may order.
 - (1) At the time expulsion of student is ordered, sets a date not later than the last day of the semester following the semester in which expulsion occurred, at which time the student may apply for readmission to the district. Upon completion of readmission process, the Board shall not be required to readmit said student.
 - (2) May recommend a plan of rehabilitation for the student.
 - (3) Upon decision to expel, directs student to contact the Placement and Appeal Office for appropriate placement prior to the end of the last semester of expulsion.
 - c. May suspend enforcement of an expulsion order for no more than one calendar year and may, as a condition of suspension of enforcement, assign student to a school, class, or program appropriate for the student's rehabilitation.
7. Placement and Appeal Office notifies parent/guardian of Board of Education's decision regarding expulsion and of right to appeal to the County Board of Education.
8. **School site** for enrollment of student expelled from another school district. Upon receipt of request for enrollment of a student from another school district, may specifically ask the student or parent/guardian if student is currently expelled from another district. If yes:
 - a. Refers student to the Placement and Appeal Office.
 - b. Placement and Appeal Office requests expulsion information from district of prior enrollment; convenes a hearing in accordance with the provisions of this procedure.
 - c. Hearing officer determines whether to admit and whether student poses potential danger to students or employees of the district, decides whether student should be enrolled, and sends recommendation to the Board of Education via the Placement and Appeal administrator.
 - d. Board of Education makes decision regarding enrollment.
 - e. Placement and Appeal Office notifies parent/guardian of Board's decision.

- f. If immediate enrollment is denied, student may enroll upon expiration of original expulsion.
- 9. Notification to Teacher(s) of Student whose Actions are Grounds for Suspension. (Education Code §49079)
 - a. Principal or designee shall inform teacher(s) of each student who has engaged in, or is reasonably suspected to have engaged in any of the acts described in Section C.3, including at other schools. This information may be based upon any records that the district maintains in its ordinary course of business, or receives from a law enforcement agency.
 - b. The district, or district officer of employee, is not civilly or criminally liable for providing information in conformance with Section D.9.a. 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 the district who knowingly fails to provide information about a student who has engaged in, or who is reasonably suspected to have engaged in, the acts referred to in Section C.3. is guilty of a misdemeanor.
 - d. Any information received by teacher(s) pursuant to Section D.9.a. shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher(s).

E. FORMS AND AUXILIARY REFERENCES

- 1. Report on Suspension, Administrative Procedure 6290
- 2. Letter to parent/guardian
- 3. Student Discipline Policies, including the Uniform Discipline Plan, available on the district website at <http://www.sandi.net/page/2668>

F. REPORTS AND RECORDS

- 1. Shall be kept by the Placement and Appeals Office as appropriate.

G. APPROVED BY



General Counsel, Legal Services
As to form and legality

SUBJECT: **Expulsion**

NO: **6295**

PAGE: **19 OF 19**

EFFECTIVE: **1-29-62**

REVISED: **9-15-14**

H. ISSUED BY

Steve Morse

Chief of Staff