

SIERRA COUNTY PLAN
FOR
EDUCATING EXPELLED STUDENTS

The Sierra County Office of Education

And

Sierra-Plumas Joint Unified School District

February 2012
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THE SIERRA COUNTY PLAN FOR EXPELLED YOUTH

Education Code - 48926

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

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

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

(Added by Stats. 1995, Ch. 974, Sec. 8. Effective January 1, 1996. Operative July 1, 1996, by Sec. 9 of Ch. 974, which was amended by Stats. 1996, Ch. 937.)

Education Code - 48916.1(a)

At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion. Except for pupils expelled pursuant to subdivision (d) of Section 48915, the governing board of a school district is required to implement the provisions of this section only to the extent funds are appropriated for this purpose in the annual Budget Act or other legislation, or both.

(Amended by Stats. 2005, Ch. 69, Sec. 3. Effective January 1, 2006.)

Overview

Sierra County is a single district county with four distinctly different communities serving a large geographic area. The Sierra County Office of Education and the Sierra-Plumas Joint Unified School District are limited in the respect to which they are able to provide educational alternatives to expelled youth. Small schools, as in Sierra County, are beginning to experience many of the undesirable student behaviors that were once attributed only to students who attended schools in large urban school districts. These small districts, however, are not experiencing large numbers of students who are exhibiting such behaviors that result in expulsion. The fact that students are seldom expelled from schools in Sierra County is positive; however, it does create a situation where the development of either county or district specific classes or programs for such students is difficult financially and/or geographically.

In September 2000, Sierra-Pumas Joint Unified School District approved two community day schools (CDS) located in Downieville and Loyaltan. Presently, the sites are closed due to no enrollment.

Early intervention strategies or pro-active strategies are the major focus of the small county and district programs and subsequent student success. Sierra County and the Sierra-Plumas Joint Unified School

District provide early intervention strategies which include, but are not limited to, high risk counseling, student study teams, academic and emotional assessments, special needs preschool, special education services, and after school activities.

Existing Educational Alternatives for Expelled Youth

The Sierra-Plumas Joint Unified School District located within Sierra and Plumas Counties offers the following options for expelled youth:

1. expulsion with referral to the Sierra-Plumas Joint Unified School District continuation school or independent study, whichever is most appropriate;
2. suspended expulsion with placement on district independent study, if the parent agrees; or
3. suspended expulsion with placement on the same school campus.

Expulsion of Special Education Students

A pupil with a disability cannot be expelled unless certain procedural safeguards are followed. A manifestation determination IEP meeting is held to review the pupil's behavior and develop conduct/behavior intervention plans, as needed. Other items of discussion will include: evaluation and diagnostic results, observation of the pupil, IEP and placement, special education services, supplementary aids/services, behavior intervention strategies, ability of the pupil to understand the impact and consequences of the behavior, and the pupil's ability to control the behavior.

1. The IEP team will determine if the misconduct was a manifestation of the pupil's disability.
2. The IEP team will determine if the pupil was appropriately placed at the time of the incident.
3. The IEP team may consider an interim alternative setting.

The pupil is subject to the same disciplinary procedures as general education pupils if the misconduct was not a manifestation of the pupil's disability and if the pupil was appropriately placed at the time of the incident.

If the parents disagree with the IEP findings, they may file for due process. The expulsion process stops until the outcome of the due process proceedings are concluded. If a pupil is expelled, the district has an obligation to provide FARE in an alternative setting

Gaps in Educational Service

There are several major gaps, which exist in schools in Sierra County with respect to providing educational services to expelled pupils:

1. The Sierra-Plumas Joint Unified School District generally expels very few or no students during the course of a school year; so few students are expelled that having a special class or program for such students, within each of the four distinct communities, is not financially possible.
2. Students who are expelled by the district vary as to age, grade level, and expulsion offenses. The age and grade-span alone, under current California Education Code, would require separate

Community Day School sites for the limited number of grades K-6 and 7-8 expelled students.

3. There are significant geographical distances between each community, thus county or district operated school or classroom sites/programs require either extensive bussing, which is not financially feasible for the district, or parent provided transportation, which is often impossible for the parents.
4. The Community Day School option for expelled students, as described in current California Education Code, is difficult for the following reasons:
 - a) the Education Code that outlines the creation of Community Day School programs does not provide adequate funding to allow small school districts to develop such programs.
 - b) access to additional funding is restricted by having the student complete six hours of hour-by-hour attendance accounting in order for the district to receive the additional funding, and requiring additional attendance bookkeeping and record keep.
 - c) the separation of students in grades K-6 from students in grades 7-8 also creates boundaries that will be financially and/or geographically difficult.

Strategies for Addressing Gaps in Service

The strategies in place for addressing the identified gaps in educational services for expelled youth are effective. They are:

1. to continue to use existing district educational strategies to meet the needs of expelled students;
2. to refer expelled students to the Sierra-Plumas Joint Unified School District Continuation School and the Independent Study program. Continuation school is an option for those students who have transportation to the site. Independent study is an option for those students who cannot arrange for transportation.
3. to continue to see that expelled students meet terms and conditions of the rehabilitation by providing certificated and support staff who work closely with all expelled students.

Sierra County Office of Education is a single district county and the district/county office of education is located within 100 feet of the continuation school. This provides a personal feature for communications and support. Articulation and coordination between the district and the county in providing educational placement is most advantageous.

Dr. Merrill M. Grant, Superintendent
Sierra County Office of Education
P. O. Box 955
Loyalton CA 96118
(530) 993-1660 ext. *837

Date

PROCEDURAL SAFEGUARDS

Conducting an Extension of Suspension Conference

1. Expulsion recommendations must be preceded by an extension of suspension conference. A decision to recommend expulsion should be made based on an administrative team decision.
2. Prior notice of the conference must be provided to the parent. When possible, notification should occur at least one-day prior the conference.
3. Conference may be held without parents. Non-attendance should be noted in the written notices materials included in the expulsion packet.
4. The parent may invite any person with relevant information to the extension of suspension conference.
5. Tape recording the conference is permissible. Parent must notify administration if they intend to so do. If a parent tape records a conference, the administrator should make a recording as well.
6. Although written minutes from the conference are not necessary, often notes are useful, especially when the case proceeds to an expulsion hearing.
7. At the due process conference, the superintendent/designee should:
 - a. Introduce everyone.
 - b. Cite reasons for the conference.
 - c. State the charge(s) from the suspension form and provide all relevant information and evidence known about the incident. State the accusation precisely.
 - d. Provide an opportunity for the student and parent to respond and to state any additional information. Tell them you are going to carefully listen to their side of the story.
 - e. Ask any relevant clarifying questions.
 - f. Ask the student and parent for comments.
 - g. Inform them that you or the principal is recommending expulsion.
 - h. Tell them you are extending the suspension.
 - j. Explain that a letter (certified and regular mail) will be mailed to the parents regarding the decision.

Timelines For Suspension, Expulsion and Appeal

Student commits expellable offense. Determination of conduct in violation of EC§48900 or 48915.	Day 1 (Unless more investigation is necessary to determine the violation) Day 2 (Must hold conference without exception)
Suspension	Not more than 5 school days . [E.C.§48911]
Recommendation for expulsion/extension of suspension Required second conference.	[EC§48915] Within the 5 school days of suspension/extension pending decision on expulsion [EC§48911(g)]. Requires 2 nd conference with superintendent or superintendent's designee.
Recommendation for expulsion/extension of suspension for Special Education student.	(EC§48915.5) within the 5 school days of suspension/extension pending decision on expulsion for a maximum of 10 days . With parent permission or a court order, suspension can be extended through the entire expulsion process [EC§48911(c)]
Student Data Packet sent to Superintendent's office	Within 5 calendar days from decision to expel.
Notice of hearing (written) mailed to parents/student.	At least 10 calendar days prior to hearing. [EC§48918(b)].
Pupil request for open hearing	At least 5 days prior to hearing. [EC48918(c)].
District extension of hearing date	Up to 5 school days "for good cause." [EC§48918(a)]
Pupil postponement	Entitled to not more than 30 calendar days . Additional days at board's discretion. [EC§48918(a)]
Hearing	To be conducted within 30 school days of determination of pupil violation. [EC§48918 (a)].
Administrative panel or hearing office recommendation	Within 3 school days or by day 33 in case of postponement. [EC§48918(e)].
Respondent school district shall file with the County Board documents that are on file that relate to the expulsion (see County Board policy for details)	At least 10 days prior to the day set for the hearing.
Decision of governing board	Within 10 school days ; or day 40 without pupil requested hearing postponement [EC§48918(j)].
Appeal to county board *	Within 30 calendar days following local board decision. [EC§48919].
Appellate Hearing Before County Board	Within 20 school days following filing of formal request (EC §48919)
Appellant shall file transcript of district hearing	At least 10 calendar days prior to the day set for the hearing
Filing of written arguments must be received by the office of the Sierra County Office of Education.	At least 10 days prior to the day set for the hearing.
Names of persons who intend to make presentations at hearing from appellant and respondent to Sierra Co. Office of Ed.	At least 48 hours prior to hearing.
County Board sends written notice of decision to student/parents	Within 3 school days of appeal hearing. (EC§48919) County Board decision is final.

* Appeals are to be heard by the Plumas County Board of Education.
Contact Sierra County Office of Education for information and forms.

EXPULSION APPEAL TIMELINE

	PROCEDURE	RESPONSIBILITY	TIMELINE
1	Parent or parent representative makes initial contact with Sierra County Office of Education	Parent	As soon as possible after local school district Governing Board's decision to expel
2	Parent is mailed packet of appeal information certified mail, email or fax	Sierra County Superintendent	After contact by parent or representative
3	Parent files expulsion appeal form with Sierra County Superintendent's Office.	Parent	Within thirty (30) calendar days of school district expulsion hearing
4	Parent submits written request for student's transcript from district and completes "Inability to Pay" form if applicable	Parent	Concurrently with submission of expulsion appeal form with Sierra County Superintendent's Office
5	District submits to Contracted County Office of Education student's transcript and other pertinent documents, incl. attendance registers, discipline actions, grades, etc.	School District	Within ten (10) schools days of the receipt of written request from parent
6	Sierra County Office of Education submits Expulsion Appeal & Request for Hearing to Contracted County Office of Education	Sierra County Superintendent	Within ten (10) schools days of the receipt of written request from parent
7	Appeal hearing is set and Notice of Hearing is mailed. Parents and school district will receive notice at least ten (10) calendar days before the hearing	Contracted County Superintendent	Within twenty (20) school days after receipt of transcript and other documents
8	Parents submit to Sierra County Office of Education any written argument of documents not delivered previously and Sierra COE forwards those documents to the Contracted County Office of Education	Parent	Ten (10) calendar days prior to appeal hearing date
9	District submits to Contracted County Office of Education written argument and/or response to parent	School District	Five (5) calendar days prior to appeal hearing date
10	Packets are prepared for Contracted County board to include all documentation submitted	Contracted County Superintendent	Approximately four (4) days before appeal hearing
11	Expulsion appeal hearing, conducted in closed session unless public hearing requested in writing five (5) days prior	Contracted County Board of Education	As scheduled by the Contracted County Board of Education
12	Closed deliberation by the Contracted County Board	Contracted County Board and Counsel	Following the appeal hearing
13	Decision is announced in public session following deliberation	Contracted County Board President	Following deliberation
14	Written decision is mailed to all parties	Contracted County Superintendent	Within three (3) working days after the hearing

SECTION 1 - EXPULSION CHECKLIST

Completed by school personnel to ensure the District Office receives all pertinent information related to a recommended expulsion.

- A copy of the checklist is submitted to the District Office with each student's complete expulsion packet. This checklist should be the first document of the packet.
- The District office will assign a hearing date/time upon receipt of the checklist and expulsion packet and contact the administrator who is recommending expulsion.
- Legal timelines for all expulsion proceedings.

EXPULSION CHECKLIST FORM – School Site

This form is to be completed for each student being recommended for expulsion and attached to the expulsion packet being sent to the District Office.

STUDENT NAME: _____ GRADE: _____

SCHOOL: _____

1. Student commits an offense that meets legal requirement for suspension and expulsion from school.
2. Student is suspended from school (duration cannot be for more than 5 school days) from _____ through _____.
3. Notify the Superintendent's Office of any forthcoming expulsion as soon as possible after the decision has been made to recommend the expulsion. Secretary will confirm the 30 school day time line to work within. Be sure to specify if the expulsion recommendation involves a special education student or a English Learner family.
 - A. Thirty day time line expires on: _____
 - B. Special Education Student: Yes _____ No _____
 - C. English Learner family: Yes _____ No _____ Language: _____
4. FOR SPECIAL EDUCATION STUDENTS ONLY: Notify the appropriate school psychologist as soon as expulsion proceedings are initiated so that the pre-expulsion assessment and an I.E.P. meeting can be scheduled and completed within 15 days.
5. School Administrator prepares and delivers Notice of Proposed Expulsion and Suspension to parents within three days from the date on which the decision to recommend expulsion is made. This may be delivered at the time of the parent conference.
6. During the parent conference at which the parents are notified of the proposed expulsion and suspension, the administrator should inform the parents/student of the administration's decision regarding the student's placement pending the expulsion hearing. The Notice of Hearing from the Superintendent's Office to the parents will confirm this decision.
 - A. Non-Special Education student.
 - 1. The student may return to the campus after suspension, pending the expulsion hearing. (Student's presence on the campus does not cause a danger to persons or property nor threaten to disrupt the instructional process.)
 - 2. The suspension of the student will be extended until the date of the hearing. (This should be in accordance with 48911(g) which reads: *In cases where expulsion from any school or suspension for the balance of the semester from continuation school is being processed by the governing board, the school district superintendent or other person designated by the superintendent in writing may extend the suspension until such time as the governing board has rendered a decision. However, an extension may be*

- *granted only if the superintendent or the 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 would cause a danger to persons or property or a threat of disrupting the instructional process. 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.)*

B. Special Education Student

- 1. The student may return to the campus after a 5 day suspension, pending the expulsion hearing.
- 2. Student's suspension is extended to 10 days, return to campus pending expulsion. (Student's presence on the campus does cause a danger to persons or property or threatens to disrupt the instructional process.)
- 3. Parent agrees to placement at alternate site pending expulsion hearing. Student does not pose a danger.
- 4. Parent agrees to placement at alternative site pending expulsion hearing. (Alternative site administrator concurs.)
- 5. School has attained a court order to exclude student from school pending expulsion hearing.

7. **Within five school days** of determining that expulsion will be recommended, the student's expulsion data packet should be forwarded to the Superintendent's Office and should include the following:

- A. Recommendation for Expulsion letter from Principal and Superintendent to the Board of Education. This letter should cite the Education Code and District Board Policy/Administrative Procedures violated by the student's alleged actions. (See "How to Write Charges", Section 2)
- B. Copy of Notice of Proposed Expulsion and Suspension Letter from Principal to the parents. (See "How to Write Charges", Section 2)
- C. Printout of the Student's class schedule (for secondary students).
- D. Student Discipline Incident Reports (within past two years).
- E. All Student Suspension Notices (within past two years).
- F. Student Attendance Record (within past two years), including most recent
- G. Transcript of Courses Taken. Provide copies of report card for previous year(s) from the cumulative file or, if the student is new, the transcript from the previous school.
- H. Report Cards/Progress Reports (within past two years). Be sure the grading period is identified on the report card or progress report.
- I. Current Progress Check. A Teacher's Progress Report Form is sent to each of the student's teachers for obtaining the student's current status in class (Initiate immediately upon determining the student will be recommended for expulsion).

- J. Testing data: SAT/9 scores or comparable testing data if available.
- K. Any other documents, letters, or evidence (such as a photocopy of weapon with ruler to show size) that may be pertinent to the case, as determined by the school administrator. All documents submitted by the school must be typed and of legible quality.
- L. The Superintendent's Office will schedule an administrative hearing upon receiving the expulsion data packet.

SECTION 2 - NOTICE OF SUSPENSION AND PROPOSED EXPULSION

- The letter to the parents is hand delivered within three days from the date on which the decision to recommend expulsion is made, usually during the conference with the vice principal and/or principal.
- Extension of a Suspension Pending Expulsion/Voluntary Independent Study
- How to Write Charges

Extension of a Suspension Pending Expulsion Hearing/Voluntary Independent Study

Student Name _____

DOB: _____

School _____

Special Ed: Yes No

504: Yes No

California Education Code and the Sierra-Plumas Joint Unified School District Board Policy stipulate that a pupil suspension, pending a hearing for expulsion, may be extended until the date of the hearing if the presence of the student would cause a danger to himself or to others or a disruption to the instruction process. In lieu of extending the suspension of this student, the school would like to offer a voluntary alternative placement in Independent Study, to commence after the current suspension is concluded and continuing through the date of the recommendation for expulsion hearing.

Please choose one of the following options:

- A. Yes, I agree that the above named student shall be placed on Independent Study in lieu of an extension of the suspension.

- B. No, I do not consent to the above named student's placement on Independent Study.

Student Signature

Date

Parent/Guardian Signature

Date

District Administrator Signature

Date

***Note: We strongly recommended that this option not be offered to students facing expulsion for 48915 (c) 1-5 violations

HOW TO WRITE CHARGES

1. The charges are a detailed factual description of the incident and are included in the Memorandum to the Board of Education and the Letter of Suspension and Proposed Expulsion. Well-written charges are crucial to the entire process.
2. Prepare the charges as soon as possible after the incident. Fax a copy of the charges to the Director of Student Services before you include them in the Memo to the Board of Education or send the Letter of Suspension and Proposed Expulsion.
3. Please use the following suggestions when preparing your charges:
 - A. Describe facts in detail—who, what, when, where, why, and how.
 - B. Describe facts in chronological order.
 - C. Describe your investigation.
 - D. State facts, not conclusions or generalization.
 - E. Describe relationship to school activity or attendance, which includes but is not limited to: while on school grounds, while going to or coming from school, during lunch (whether on or off campus), or during or while going to or coming from a school sponsored activity.
 - F. Include all dates.
 - G. Use direct quotes (by perpetrator, victim and witnesses).
 - H. Use active voice.
 - I. Do not make excuses.
 - J. Do not add inflammatory and irrelevant information.
4. After getting the approval of the Director of Student Services, include the charges in the Memorandum to the Board of Education and the Letter of Suspension and Proposed Expulsion to the parents.

Loyalton High School
700 Fourth St.
Loyalton CA 96118

Parents/Guardians (Name)
P. O. Box
City, State, Zip

Student Name
P. O Box
City, State, Zip

**NOTICE OF SUSPENSION AND
PROPOSED EXPULSION**

Dear _____ :

As you know, due to **his** serious misconduct, _____ has been suspended from school. This is to inform you that I have recommended to the Board of Education of the Sierra-Plumas Joint Unified School district that _____ be expelled from school due to **his** misconduct. _____'s suspension from attendance at Loyalton High School, which has been scheduled to end on (Date back to school) _____, will be extended pending a decision on **his** expulsion by the Board of Education **unless I should determine such extension not be warranted after meeting with you and _____.**

You and _____ are invited to meet with me concerning the decision to recommend expulsion and the extension of the suspension, and you are hereby advised that you have the legal right and legal obligation to do so. The law requires that you respond to this invitation without delay. At that meeting, we will discuss the recommended expulsion and whether _____'s presence at Loyalton High School, pending action on the expulsion recommendation, would cause a danger to persons or property, or threaten to disrupt the instructional process. I must determine that this is the case in order to extend the suspension beyond (Date before day back to school-above) _____. If you disagree with my determination in this regard, you may request a meeting with the superintendent for the school district or his designee by contacting my office.

The recommendation to expel and extension of the suspension are based on the following facts:

On _____, at approximately _____,

By this incident, _____ defied school rules and authority.

_____ is entitled to a hearing to determine whether **he** should be expelled. That hearing will be an administrative panel. Written notice of the hearing will be forwarded to you at least ten (10) days prior to the hearing date. The expulsion proceedings will be in executive session unless you request a public hearing in writing at least five (5) days in advance of the hearing date. All notices or correspondence concerning the hearing should be addressed to me at the address given above. The hearing will be scheduled to begin on or before _____. You are entitled, upon request, to have access to all records in the possession of the school district upon which the suspension is predicated.

I will be in touch with you shortly with respect to the date of the expulsion hearing.
Please do not hesitate to contact me if you have any problems or questions regarding this matter.

Sincerely,

Loyalton High School Principal
cc: Superintendent's Office

SECTION 3 - STUDENT DATA PACKET

- This packet is prepared by the school and is sent to the Superintendent's Office within five school days from the time of the decision to recommend expulsion.
- The packet includes:
 1. Principal's Memorandum Recommending Expulsion
 2. Copy of Notice of Proposed Expulsion and Suspension
 3. Discipline Report
 4. Attendance Report (attach a copy of the Attendance Resolution Codes)
 5. Student Class Schedule
 6. Student Grades and Progress Report (as of time Pupil is recommended for expulsion)
 7. Teacher's Progress Report from Every Teacher
 8. Transcript of Courses or Report Cards
 9. Graduation Status Report, if available
 10. Test Scores (SAT/9, etc.)
 11. Any other documents pertinent to the case such as statements from witnesses or school officials involved in the case or pictures of evidence with ruler beside it to show the size.

PRINCIPAL'S MEMORANDUM
RECOMMENDING EXPULSION

TO: Administrative Panel
Sierra-Plumas Joint Unified School District

FROM: _____, Principal

DATE:

RE: Recommendation for Expulsion

Pursuant to Sections 48900 through 48918 of the California Education Code, and Administrative Procedures 6.4 of the Sierra-Plumas Joint Unified School District Policies and Procedures, the undersigned hereby files with the Board the recommendation of _____, Principal of _____ School, for the expulsion of _____.

_____ is charged with the following causes for expulsion:

Cause No. 1: _____ did, on _____, bring, consume, and furnish to another student, an alcoholic beverage.

Cause No. 2: _____ did, on _____, bring, consume, and furnish to other students, an alcoholic beverage.

Cause No. 3: By the activity described above in Causes No. 1, and No. 2, _____ violated school rules and willfully defied the valid authority of supervisors, teachers, administrators and school officials.

*The above causes are in violation of Education Code 48900(c), 48900(k) and District Administrative Procedures 5144.1.

It is further alleged as follows:

The event that constituted good cause for expulsion of _____ was related to school activity.

2. Due to the nature and severity of the violation, the continuing presence of _____'s attendance at _____ School could pose a danger to persons or threaten to disrupt the educational process.

The events which are alleged to have occurred which constitute cause for expulsion are outlined as follows:

(Example – Please delete!) On Tuesday, February 25, 1996, at approximately 11:34 AM, the end of third period, a couple of students approached Holmes Junior High School Campus Supervisor Richard Jones. The students advised Mr. Jones that Jon Doe and another male student in their third period class appeared, in their opinions, to be drunk.

Mr. Jones checked the class schedules of the two male students who were named as being drunk. Mr. Jones brought one male student to the office and asked Campus Supervisor Mary Smith to bring Wesley to the office. Mrs. Smith escorted Jon and his belongs to the administration office where Jon Doe was placed in the office of Principal, David Inns.

Jon Doe and his belongings, were searched by Mr. Inns, in the presence of Mrs. Smith. A half gallon bottle of vodka was found. The bottle was approximately one-quarter full of vodka. Mr. Inns questioned Wesley about the vodka and Jon admitted he brought the vodka to school. Jon Doe was under the influence of alcohol and admitted to drinking some vodka during second period. Jon Doe also admitted that during second period he provided the vodka to the other male student, who was also under the influence of alcohol.

Jon Doe was cited by Officer Schmidt of the Davis Police Department.

and his mother have previously been given notice of the Principal's intent to recommend his expulsion from School.

Cc: Superintendent
Administrative Panel

SECTION 4 - STIPULATED EXPULSION

- Definition
- Advantages and Disadvantages to Schools

FORM OPTIONS:

- Memorandum – Use Stipulated Expulsion Option-48 hr notice
- Stipulated Expulsion Agreement (Preferred form)
- Agreement and Stipulation for Immediate Expulsion
- Waiver
- Rehabilitation Plan

Stipulated Expulsion - Definition

STUDENT DISCIPLINE: Stipulated expulsion

A stipulated expulsion agreement is made when a student's parent or guardian agrees that the student did commit an act included in the reasons for expulsion and is being recommended for expulsion.

As part of reaching a stipulated agreement, the student and a parent or guardian will meet with the Director of Student Services. They will review the evidence gathered in the investigation of the incident leading to the expulsion recommendation. At that time, if they agree to a stipulated decision, the student, parent or guardian and the Director must all initial and agree upon the following:

1. They have been informed of and understand the right to due process with regard to the expulsion recommendation.
2. They have had the opportunity to review the reasons for the recommendation for expulsion and to discuss them with district personnel.
3. They agree to the facts as stated in the expulsion recommendation.

As part of a stipulated agreement, the student's parent or guardian waives a number of rights:

1. The right to an expulsion hearing.
2. All notices and timelines required by policy or law.
3. The right to be represented by an attorney at the expulsion hearing.
4. The right to inspect and have copies of the documents which would have been used at the hearing.
5. The right to confront and question all witnesses who would have testified at the hearing.
6. The right to question all written evidence presented.
7. The right to present witnesses and evidence on the student's behalf.
8. The right to appeal to the county Board of Education if the stipulated expulsion is approved by the Board of Trustees as agreed upon.

A student's parent or guardian may consult with an attorney about the stipulated expulsion process. The Board of Trustees must still vote to approve a stipulated expulsion agreement.

Stipulated Expulsion Advantages and Disadvantages

School districts throughout California are exploring and approving the concept of a "stipulated expulsion". A stipulated expulsion is a process whereas the pupil and his/her family acknowledge responsibility for the behavior leading to the recommendation for expulsion by the school administration. The pupil and parent/guardian waive mandated timelines and procedures leading to an expulsion by the governing board of trustees.

In lieu of an administrative hearing panel, the pupil and parent/guardian sign an agreement acknowledging that the pupil committed the prescribed offense(s). The pupil is placed in an alternative or other type setting. Conditions are set forth for pupil re-entry to the local school district.

The advantages of a pupil and his/her parent agreeing to a stipulated expulsion are:

1. Educational time lost for the pupil is kept at a minimum.
2. The pupil and parent/guardian do not have to appear before an administrative hearing panel.
3. The educational process is expedited in placing a pupil in an alternative or other type setting.
4. Stipulated Expulsion can be expunged by the governing board upon parent request.

The disadvantages of a pupil and his/her parent/guardian agreeing to a stipulated expulsion are:

1. The pupil waives the right to appear and contest the allegation(s) before an administrative hearing panel and the board of trustees.
2. A pupil waives the right to appeal the expulsion order to the County Board of Education.

Tips if you decide to use Stipulated Expulsion Agreements:

1. **DO** specifically provide for the waiver of each and every right noted in the relevant Education Code provisions;
2. **DON'T** prevent the parents/guardians from legal representation for this agreement--in fact, one major school law firm advises its school district clients not to use these agreements unless the parent/guardian is represented by an attorney;
3. **DO attach** a written, sworn admission;
4. **DON'T** use this as a means of avoiding the hearing process, no matter how time consuming and/or costly. These agreements should be used very sparingly--considered how you would justify the use before your governing board or a court of law;
5. **DO** have the district's administrative hearing panel review and sign the document;
6. **DO** include a comprehensive rehabilitation program, just as you would for an expulsion;
7. **DON'T** forget to have both parents/guardians sign and date the agreement, unless their attorney has been designated (in writing) with the authority to sign for them. Allow 48 hours for the parent/guardian to decide whether or not they agree to a stipulated expulsion.
8. **DON'T** agree to a stipulated expulsion with parent/guardian(s) of a student identified as special education student (current/inactive IEP) or a student who has a current 504 plan.

9. **DON'T** allow the parent to reciprocate the expulsion agreement once signed after the 48 hour waiting period.
10. **DON'T** stipulate an expulsion agreement for a 48915 (c) offense.

**Final note: Although there is no statutory authority for stipulated expulsion, the courts have upheld the validity of stipulated expulsions via the following except: in the court case of Chopin Vs Conejo Valley USD 903F, Supp.1377 (C.D. CA 1995) A person may waive a constitutional right if it can be established by clear and convincing evidence that the waiver is voluntary, knowing and intelligent. Pg. 1383-1384
Parent may waive the right to a pre-expulsion hearing and consent to the discipline p.1385**

Sierra-Plumas Joint Unified School District

MEMORANDUM

TO: Parents/Guardians

FROM: Dr. Merrill M. Grant, Superintendent

This memorandum contains information about an alternative to the administrative hearing process for students who have been recommended for expulsion. This alternative is called a stipulated expulsion and must be requested by you in order to begin the process. The Student Services Administrator has determined that you are a possible candidate for this process. The following information is provided to assist you in determining whether to request a stipulated expulsion.

Use stipulated Expulsion Option

A Stipulated Expulsion means that a student and his/her family acknowledge "responsibility" for the behavior or activity that led the school administration to recommend that a student be expelled.

The advantages in agreeing to a stipulated expulsion are:

1. Educational time lost for student is kept at a minimum.
2. The student and parent do not have to appear before an Administrative Panel Hearing and recreate the incident.
3. The education process may be expedited in moving forward with this process.

Please understand that entering into a Stipulated Expulsion, all of the following rights regarding expulsion would be waived:

- a. The right to have a hearing before the Governing Board;
- b. The right to be presented by counsel at a hearing;
- c. The right to present witnesses at a hearing;
- d. The right to present evidence at a hearing;
- e. The right to confront and question witnesses at a hearing;
- f. The right to inspect and obtain any documents;
- g. The right to present oral and documentary evidence at a hearing.

The concept of due process is still in effect.

You are being given this opportunity to reflect for a period of 48 hours and respond to the concept of stipulated expulsion. The parent and student are encouraged to give careful consideration to the consequences of the expulsion.

Since an expulsion hearing must be scheduled within 30 school days of the incident, we are asking that you contact the Superintendent's Office at 530 993-1660 ext. *837 with any questions.

Student signature

Parent/Guardian Signature

District Representative

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

STIPULATED EXPULSION AGREEMENT

Date: _____

Identifying Data:

Name: _____

DOB: _____

CSIS No: _____

School: _____ Grade: _____

Violation(s): _____

504: Yes No

Special Ed: Yes No

Finding of Fact:

Conclusions:

_____ 1. We have specific rights, summarized below, regarding the proposed expulsion of (student name) _____. We understand that we have a right to enter into this agreement which results in the expulsion of student, without the necessity of following regular expulsion proceedings;

_____ 2. By signing this agreement, we waive all of the following rights regarding expulsion to which we would be otherwise entitled:

- a. the right to have a hearing before the administrative panel;
- b. the right to be presented by counsel at a hearing;
- c. the right to present witnesses at a hearing;
- d. the right to present evidence at a hearing;
- e. the right to confront and question witnesses at a hearing;
- f. the right to inspect and obtain any documentation;
- g. the right to present oral and documentary evidence at a hearing.

_____ 3. We hereby agree that the student may be expelled for the reason described in the Notice of Suspension and Proposed Expulsion.

_____ 4. We have received, have read, and understand copies of Education Code Section 48918 and Education Code 48919.

____5. We understand that the Board of Education will review this proposed agreement. The Board may accept or reject the agreement or any of its terms.

- a. If the Board accepts the agreement, it will take effect upon Board action.
- b. If the Board rejects or modifies the agreement, we will have five calendar days to accept or reject the terms.
- c. If we reject the Board's terms, then the matter will be set for a hearing within 15 calendar days.

____6. We waive the right to appeal the expulsion to the County Board of Education. If we disagree with the decision of the Sierra-Plumas Joint Unified School District governing Board, we may appeal the decision in accordance with guidelines under California Education Code 48922.

____7. We understand the following:

- a. This agreement is a binding legal document.
- b. We may consult with any attorney concerning this agreement.
- c. We understand that if we do not sign this agreement by _____, it will be too late to enter into this agreement and the expulsion hearing will proceed as scheduled.
- d. By signing this agreement, we bind the Sierra-Plumas Joint Unified School District and ourselves to the terms set for herein.

Rehabilitation Plan:

To the extent approved by the District's governing board, enforcement of any expulsion order resulting from the allegations contained in the Notice shall be enforced for the period commencing on _____, 20__, and concluding on _____, 20__; provided, however, that the period does not exceed one calendar year, and, further, provided the student agrees to participate in the Rehabilitation Program of this Agreement. During the period of the expulsion order, the student shall be deemed to be on probationary status, subject to revocation by the governing board in accordance with of this Agreement.

REHABILITATION PLAN

DURING THE PERIOD OF THE EXPULSION THE STUDENT SHALL:

(Check all applicable areas)

- ____ Maintain 90% or better positive daily attendance in the assigned school.
- ____ Comply with all District rules/regulations and obey all laws in the assigned program.
- ____ Complete _____ credits by _____ in the assigned program.
- ____ Maintain a grade point average of at least a 2.0 in the assigned program.
- ____ Attend and successfully complete drug counseling program at low/no cost through Sierra County Probation or parent/guardian choice and cost.
- ____ Enroll in Independent Study Program (ISP).
- ____ Not appear on any Sierra-Plumas Joint Unified School District campus other than the assigned ISP campus without prior approval from the site principal.

We understand that if we apply for admission to another school district during the time that this expulsion agreement is in effect, we must inform the new school district of the fact of this expulsion, as required by Education Code Section 48915.1.

PLACEMENT DURING THE TERM OF THE EXPULSION

While on suspended/full term expulsion, the student shall be placed in the school or program indicated below:

- Sierra-Plumas Joint Unified School District Independent Study Program:
From _____ to _____ if all criteria stated in this agreement is met.

- Sierra Pass Continuation School
From _____ to _____ if all criteria have been met.

- Loyalton High School
From _____ to _____ if all criteria have been met.

BOARD APPROVAL

In the event the Governing Board DOES NOT approve this stipulated agreement, and instead orders that a hearing be conducted before an Expulsion Hearing Panel, the student and parent/guardian agree that the period in which the District must consider and act upon the recommendation of an Expulsion Hearing Panel shall be within twenty (20) school days from the date this stipulated agreement is presented to the Governing Board.

Student signature	Date	Parent/Guardian signature	Date
Superintendent/Designee signature	Date	Parent/Guardian signature	Date

It is so ordered by the Board of Education:
AYES:
NOES:
ABSENT:
VACANT:
ABSTENTION:

Sierra-Plumas Joint Unified School District Governing Board President	Date
--	------

Agreement and Stipulation for Immediate Expulsion

This Agreement is made and entered into by and between _____ (the "Student"),
and _____ (the "Parent/Guardian") and the Sierra-Plumas Joint Unified School District.

RECITALS

1. A Notice of Expulsion ("Notice") pertaining to the Student (see Exhibit A attached to this agreement) was received by the Parent/Guardian; and
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 48900/48915; and
3. The Student and Parent/Guardian have been provided with the Notice and copies, if applicable, provisions of the California Education Code and District rules and regulations governing expulsions; and
4. The Student and Parent/Guardian have been advised by District 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 the Agreement; and
5. The Student and Parent/Guardian have met with District representatives to discuss allegations contained in the Notice and applicable provisions of the California Education Code relating to expulsions; and
6. The Student and Parent/Guardian fully understand the charges contained in the Notice and the meaning and consequences of an expulsion order which may result from such charges; and
7. At an upcoming meeting, the District 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; and
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 interests of the Student and the District; and
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:

- A. The parties agree that the above Recital are true and correct.
- B. 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).
- C. The Student and Parent/Guardian fully acknowledge, understand and admit the following:

1. They 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 District representatives and fully understand the allegations and the meaning and consequences of an expulsion order, and
 2. They have the 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; and
 3. 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 48900/48915, et seq.; and
 4. The specific acts committed or engaged in by the Student, as alleged in the Notice, did in fact occur.
- D. The pupil 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, and/or appeal to the county board of education, including the right (1) to all notices and time lines required by statute, rule or regulation, (2) to be represented by legal counsel at such expulsion hearing, (3) to inspect and obtain copies of all documents which would have been used at the hearing, (4) to confront and question all witnesses who would have testified at the hearing, (5) to question all other evidence presented, and (6) to present oral and documentary evidence on the Student's behalf, including witnesses.
- E. The Pupil and the Parent/Guardian have the right to rescind the stipulated agreement within two business days after the initial stipulated agreement has been authorized by the Pupil and Parent/Guardian.
- F. The request to rescind the stipulated agreement must be made in writing to the Director of Student Services. Upon receipt of the written request, an expulsion hearing shall be conducted within twenty school days.
- G. This Agreement is conditioned upon review and approval of the District Governing Board.
- H. The pupil is eligible to reapply for admission on _____, 20____. During the period of expulsion, the pupil must successfully complete a Rehabilitation Plan (attached).

The parties indicate their intention to be bound by their authorized signatures:

DATED: _____
Student

DATED: _____
Parent/Guardian

DATED: _____

School District Representative

DATED:

President, Board of Education

WAIVER

The student and his/her parent/guardian have been informed and understand their right to a due process hearing with respect to the matters agreed to herein and specifically and knowingly waive that right. The student and his/her parent/guardian have received a copy of the school districts regulations.

The student and his/her parent/guardian further waive any alleged defects concerning timelines and process related to this expulsion proceeding.

The student and his/her parent recognize their right to appeal a suspended expulsion order to the County Board of Education within thirty (30) days from the date the Governing Board approves this stipulated agreement and specifically waive this right.

MODIFICATION OF AGREEMENT

In the event the Governing Board modifies the terms of this agreement with respect to the length of the suspended expulsion and/or the placement of the student, the student or his/her parent/guardian may request in writing, within five school days from such modification, that a hearing be conducted before an Expulsion Hearing Panel. The Student and parents agree that the period in which the District must consider and act upon the recommendation of an Expulsion Hearing Panel shall be within thirty (30) school days from the date this stipulated agreement is presented to the Governing Board.

BOARD APPROVAL

In the event the Governing Board DOES NOT approve this stipulated agreement, and instead orders that a hearing be conducted before an Expulsion Hearing Panel, the student and parent agree that the period in which the District must consider and act upon the recommendation of an Expulsion Hearing Panel shall be within thirty (30) school days from the date this stipulated agreement is presented to the Governing Board.

Student's signature	Date	Parent's signature	Date
Superintendent/designee signature	Date		

It is so ordered by the Board of Education-

AYES	ABSENT
NOES	ABSTENTION

Governing Board President	Date
---------------------------	------

REHABILITATION PLAN

DURING THE PERIOD OF EXPULSION THE STUDENT SHALL:

1. Maintain a clear school and community record during the term of his/her suspended expulsion;
2. Attend a school or educational program, either private or public, maintaining passing grades in all subjects, have no unexcused absences, and maintain a satisfactory attitude and behavior;
3. Have no suspendable violations of Education Code 48900 or 48915;
4. Abide by all conditions of his/her probation, if applicable;
5. It is recommended that the student participate in a professional counseling program;
6. Sign a Probationary Enrollment Contract before returning to school;

In addition (if checked)

7. Complete _____ hours of community services prior to his/her re enrollment to the district.
 8. Other: _____
-

During the period of the suspended expulsion, the student will be deemed to be on probationary status. If any of the conditions of this agreement are not met, the suspension of the expulsion order will be revoked by the superintendent/designee without further hearing or proceedings and the expulsion shall be reinstated. The probation shall remain in effect through (date)

THE STUDENT SHALL NOT BE ON ANY CAMPUS AT ANY TIME IN THE DISTRICT, EXCEPT ON THE CAMPUS TO WHICH ASSIGNED, unless prior approval is given by school district administrator. The student may not leave the school campus during regular school hours.

REINSTATEMENT OF EXPULSION

In the event that the expulsion is reinstated, the student shall be referred to the _____ School. The student may be eligible to return to a district school or program at the beginning of a new semester following the last semester of the expulsion.

PLACEMENT DURING THE TERM OF THE SUSPENDED EXPULSION

While on suspended expulsion, the student shall be placed in the school or program indicated below:

Current School _____

Independent Study

Alternative district school

County Office of Education

SECTION 5 - PARENT INFORMATION PACKET

- This packet serves to inform parents of the process and their rights related to expulsion proceedings.

The information packet is included in the same mailing as the Notice of Hearing and Student Data packet, but as a separate packet.

- This packet includes:
 1. A letter to the parents informing them of the expulsion process and procedures (Process and Rights Letter with attachments).
 2. Administrative Regulations related to Suspension and Expulsion/Due Process (Attachment 1).
 3. Education Code 48900-48925 (Attachment 2).

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
109 Beckwith Road
P. O. Box 955
Loyalton CA 96118

PROCESS AND RIGHTS LETTER

Parent/Guardian
P. O. Box
(City State Zip)

RE: (Student Name)

Dear _____ :

I am sorry that you find yourself in this difficult situation regarding your child, _____. The purpose of this package is to clearly communicate to you what the process is for expulsion proceedings from start to end. I want to ensure you that giving you this information now does not in any way insinuate or suggest that a final decision regarding your child has already been made.

Included in this mailing is a "Notice of Hearing" indicating the time and place for the Board of Education to conduct an expulsion hearing. The purpose of the hearing will be for the Board of Education to attain all pertinent information regarding the expulsion case. I assure you that you will be provided ample opportunity to present any relevant information, and to question the information that may be provided by the school's administration. The Board of Education's intent is to make sure it has all pertinent information necessary to make a decision. The Board of Education is committed to dealing with each student in a fair, consistent and lawful manner. We will attempt to make you and your child feel as comfortable as we can during this process. We are aware you must already be greatly concerned regarding this matter and we do not wish to add any undue additional stress.

After the Board of Education has obtained all the information from the hearing participants, they will meet in private to decide upon a recommendation in regards to the expulsion of your child. You will be informed of this recommendation within three school days of the hearing.

The Board of Education has two basic decision possibilities: 1) to expel your child; or 2) to decide expulsion is not warranted based on law and District regulations.

The Board of Education makes the final decision regarding expulsion of students. They consider the information supplied regarding the hearing and make the decision to expel, suspend the expulsion, or dismiss the expulsion. A letter explaining the Board's decision will be mailed to you within three school days of the Board meeting.

EXPULSION

If the student is expelled from the District, he/she may not attend any of the schools or programs that are under the authority of the District. There will also be an order not to go on or near any of the school sites. The length of the expulsion order will normally be for the semester in which the act occurred plus one additional semester. During this time period, alternative educational options must be arranged and paid for by the parent. This may include the use of the District's Continuation School, a private school, or enrollment into another school district, based on a hearing conducted by the requested district.

SUSPENDED EXPULSION

The expulsion order may be suspended by the Board of Education. If so, the student would be allowed to attend a district program as stipulated in the expulsion order. If, however, the student violates the Probation Plan that accompanies the suspended expulsion, the student will immediately be expelled outright from the District without a further hearing.

REHABILITATION/PROBATION PLAN

Along with the decision to expel or to suspend an expulsion, the Board of Education shall recommend a rehabilitation plan. Readmission or reinstatement to a district school or program from an expulsion order or suspended expulsion order will be greatly influenced by whether or not the student has fulfilled all the terms and conditions of the rehabilitation plan.

Those plans may contain the following elements, along with other stipulations: 1) community service, and 2) counseling. Typically, ninety (90) hours of community service and four (4) hours of counseling are assigned. You may also make arrangements at a location of your choosing.

APPEAL OF BOARD OF EDUCATION EXPULSION DECISION

You may appeal the Board's decision to expel by contacting the Sierra County Office of Education, (530-993-1660 Ext. *840). You should refer to the basis for the County to act upon the appeal that is found in Attachment 1: California Education Code, Section 48922.

RE-ENTERING INTO THE DISTRICT

The Process to follow for re-entry into the District is specific in Administrative Regulation 5144.1, Suspension and Expulsion/Due Process, under the section titled, "Readmission after Expulsion" which is enclosed as Attachment 2.

If at any time during and following the expulsion process you have any questions, concerns, or confusion, please feel free to call the Superintendent of Schools at (530)993-1660 Ext. *840

Sincerely,

(Principal or Superintendent)

Enc: Attachments 1 and 2

ATTACHMENT “1”
California Education Code 48922

48922. (a) The review by the county board of **education** of the decision of the governing board shall be limited to the following questions:

- (1) Whether the governing board acted without or in excess of its jurisdiction.
- (2) Whether there was a fair hearing before the governing board.
- (3) Whether there was a prejudicial abuse of discretion in the hearing.
- (4) Whether there is relevant and material evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the governing board.

(b) As used in this section, a proceeding without or in excess of jurisdiction includes, but is not limited to, a situation where an expulsion hearing is not commenced within the time periods prescribed by this article, a situation where an expulsion order is not based

upon the acts enumerated in Section **48900**, or a situation involving acts not related to school activity or attendance.

(c) For purposes of this section, an abuse of discretion is established in any of the following situations:

- (1) If school officials have not met the procedural requirements of this article.
- (2) If the decision to expel a pupil is not supported by the findings prescribed by Section 48915.
- (3) If the findings are not supported by the evidence.

A county board of **education** may not reverse the decision of a governing board to expel a pupil based upon a finding of an abuse of discretion unless the county board of **education** also determines that the abuse of discretion was prejudicial.

ATTACHMENT “2”

Re-entry Process

Readmission After Expulsion

Readmission procedures shall be as follows:

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

SECTION 6 - NOTICE OF HEARING

- This notice is prepared at the District Office and attached to the Student Expulsion Data packet.
- The Notice of Hearing and Student Data Packet are mailed to the parent (with proof of service) at least 10 calendar days before the scheduled hearing date.

NOTICE OF HEARING

Dear Mr. and Mrs. :

You, and each of you, are hereby notified that an impartial Administrative Hearing Panel, formed pursuant to California Education Code Section 48918.D, intends to call a closed session meeting of the Panel at PM on . The hearing will be held in the at the , located at . The purpose of this hearing is to consider the possible expulsion, suspension, or other disciplinary action against your son/daughter, , from the schools of the District arising from the following alleged action:

The above alleged causes for expulsion are in violation of Education Code Section 48900(b), as indicated in a letter from the principal to you. As you will note in Administrative Regulation 5144.1, is also a mandatory recommendation for expulsion under Education Code 48915.

It is further alleged that the events that constitute good cause for expulsion are related to school activity and that due to the nature and severity of the act, the presence of in attendance at the Sierra-Plumas Joint Unified School District schools creates a continuing threat to the physical safety of other pupils and disruption to the educational process.

Enclosed herein are copies of the above mentioned Education Code Sections and District Administrative Procedures.

and his/her parents or guardian shall have the opportunity to appear in person or to employ and be represented by counsel, inspect and obtain copies of all documents to be used at the hearing (enclosed), confront and question documents to be used at the hearing, and present oral and documentary evidence on the pupil's behalf, including witnesses, concerning the incidents with which has been charged.

If or his/her parents or guardian plan to be represented by counsel, please notify the Superintendent of Schools at least five (5) days prior to the hearing date.

The Administrative Hearing Panel shall conduct the hearing to consider the expulsion of the pupil in a session closed to the public unless or his/her parents or guardian request that the hearing be a public meeting at least five (5) days prior to the hearing.

Sincerely,

Superintendent of Schools

cc:

, Principal
Administrative Hearing Panel

Attachments:

Student Data Packet

Enclosures:

Expulsion Information Packet

SECTION 7 - EXPULSION HEARING SCRIPT

- The script is not mailed to the parents or the panel members.
- The script may be shared with the parent and panel members at the hearing, at the discretion of the Director of Student Services.

EXPULSION HEARING SCRIPT

This hearing will now come to order. Let the record show this expulsion hearing concerning was called to order at a.m./p.m. on , at .

Education Code 48918(g) requires that this hearing be recorded. To ensure a complete and accurate recording, it is necessary that only one person at a time speaks and that each person must speak loudly and clearly.

This is Case No. , for student, , School, Grade .

This is a closed hearing and it is being electronically recorded for both your protection and the District's.

The hearing is being held before an Administrative Panel appointed by the Board of Education, in lieu of a hearing before the Board itself. The panel will ask clarifying questions and make findings and recommendations to the Board of Education.

My name is and I will facilitate the Administrative Hearing Panel seated here today. Starting with the members of the Administrative Panel, please state your names and positions in the District. Please continue around the room with introductions, stating your name and relationship to this case.

A decision by this panel to recommend expulsion must be supported by substantial evidence. Although technical rules of evidence do not apply except that the panel may not make a finding which is based solely upon hearsay evidence, evidence will be admitted if it is the kind of evidence upon which reasonable persons rely on in the conduct of serious affairs.

If the panel does not recommend expulsion, proceedings stop at this level and the student is allowed to continue enrollment in the Sierra-Plumas Joint Unified School District. If the panel decides to recommend expulsion, it will submit findings of fact, conclusions, and recommendations to the Board of Education. The Board will review these and make a final decision at a Board Meeting. This case is likely to be considered by the board at the next meeting scheduled for .

If the student, parent, or counsel fail to object at the hearing that the rules of the District are not being properly followed, all objections shall be deemed waived.

I would like to remind the school and the student of their rights to make opening and closing statements and to present oral and documentary evidence, including witnesses.

The Administrative Panel may, upon a finding that a good cause exists, determine that the disclosure of the identity of a witness and the testimony of that witness at the hearing would subject the witness to an unreasonable risk of 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 Administrative Panel. Copies of these sworn declarations, which are edited in such a manner as to delete the name and identity of the witness, shall be made available to the student.

Let the record show that the principal for the school is credentialed by the State of California to perform duties as an administrator.

I will read the charges into the record. If there are any exhibits, they will now be received and marked exhibits in numerical order. (Charges are read and exhibits marked as "Exhibit A", "Exhibit B", etc.)

Are there any witnesses present to testify on behalf of the District?

Are there any witnesses present to testify on behalf of the student?

I would now like all persons who will be testifying to raise their right hand to be sworn in. I will ask you the question as a group, but you will answer individually when I ask, "Do you so swear?" and state your name and spell your last name for the record.

"Do you swear or affirm that the testimony that you are about to give is the truth, the whole truth and nothing but the truth?"

(Chairperson asks each witness individually, "Do you so swear?" and each individual states and spells their name.)

Let the record show that all persons sworn answered in the affirmative oath.

Education Code §48918 requires that we conduct a hearing in a manner that will provide due process for the student and protect both the student and the District. Thus, I will ask you the following questions:

1. Was notice of this hearing sent ten days prior to today's date?
2. Were you given a copy of EC §48900/48915 with that notice?
3. Did the notice inform you that you could request an open hearing if you made such a request five days prior to this date and that you may be represented by private counsel?
4. Is the student a Special Education student? If so,
 - a. Were you present at an IEP Pre-expulsion meeting held on _____ ?
 - b. Were you given a 48 hour notice prior to this meeting?
 - c. Was there a determination at that meeting that the misconduct was not a manifestation of the student's handicap and that the student was appropriately placed?
 - d. Was recent and relevant information utilized?
 - e. A three-year evaluation took place on _____. A more recent evaluation took place on _____.
 - f. The last IEP was held on _____.

Facilitator asks school: Do you wish to make an opening statement?

Facilitator asks student: Do you wish to make an opening statement?

Facilitator asks school to present evidence.

Facilitator invites cross-examination of evidence presented.

Facilitator invites re-direct examination.

Repeat process for each witness.

Facilitator asks student to present evidence.

Facilitator invites cross-examination.

Facilitator invites re-direct examination.

Are there any questions from the Administrative Panel?

Are there any questions from the student? Parent? Representative?

Would either party wish to make a closing statement?

A decision to expel a student shall be based upon substantial evidence relevant to the charges adduced at this hearing and shall be supported by a preponderance of the evidence.

The Governing Board is expected to consider this matter at a meeting scheduled for . Written notice of the Board's action shall be sent to the student and parent or guardian and appropriate parties within three days of that meeting. The written notice shall be accompanied by notice of the right to appeal an expulsion to the county Board of Education and a description of the procedure to request readmission to school.

Any further questions?

For the record the time is .

The panel will now deliberate. Thank you all for coming. This hearing is concluded.

Turn off tape recorder.

SECTION 8 - PANEL'S RECOMMENDATION TO BOARD

- Prepared by the Superintendent of School's office following the hearing.
- The recommendation provides a summary of the evidence/testimony presented and panel's recommendation.
- Sent to the Board of Education as part of the Closed Session section of the Board Agenda Packet.
- The full expulsion packet, with the exception of the Notice of Hearing and the Notice of Proposed Suspension and Expulsion, are provided to the Board. In addition, any additional documents submitted at the hearing by the school administration or parents/student are provided to the Board.

RECOMMENDATION FOR EXPULSION
BEFORE THE BOARD OF EDUCATION OF THE
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

In the Matter of the
Expulsion of
ORDER OF THE ADMINISTRATIVE PANEL

PROPOSED FINDINGS OF FACT,
CONCLUSIONS AND RECOMMENDED

The above-entitled matter involving the recommended expulsion of hereinafter referred to as PUPIL, came on for hearing before an Administrative Panel appointed by the Board of Education of the Sierra-Plumas Joint Unified School District. The hearing was held at on .

presented the expulsion for the Sierra-Plumas Joint Unified School District. Neither PUPIL nor the parents/guardians attended the meeting.

Documentary evidence was received, and based on the evidence, the Administrative Panel makes the following findings of fact:

FINDINGS

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

The activity described above is related to school activity.

CONCLUSIONS

Pursuant to the foregoing findings of fact, the Administrative Panel concludes that the incidents described above constitutes sufficient cause to expel PUPIL from the Sierra-Plumas Joint Unified School District in that:

1. PUPIL was , within the meaning of Education Code Section and District Administrative Regulation 5144.1
- 2.
- 3.
4. PUPIL did violate school rules and willfully defy the valid authority of supervisors, teachers, administrators and school officials, within the meaning of Education Code Section 48900(k) and District Administrative Regulation 5144.1.
5. Due to the nature of the violations, PUPIL's continued attendance could create a continuing threat to the physical safety of other students. Also, other means of correction have failed to bring about proper conduct.
6. All procedures required by Education Code 48900 et seq. were complied with by the District in processing PUPIL's expulsion.

RECOMMENDED ORDER

WHEREFORE, IT IS HEREBY RECOMMENDED by the Board of Education that PUPIL be expelled from the schools of the Sierra-Plumas Joint Unified School District subject to PUPIL’s right to petition for reinstatement upon completion of the rehabilitation plan.

REHABILITATION PLAN

IT IS HEREBY ALSO RECOMMENDED that the Board instruct PUPIL to follow the rehabilitation plan listed below, as a condition for readmission:

1. Do not go on or near any school campus of the district without prior written permission from the principal.
2. Do not violate any of the laws of the State of California.
3. Demonstrate cooperative and compliant behavior to any person with legal authority over the student, including parents.
4. Attend the Sierra Pass Continuation School or, if the parent chooses, seek alternative educational options outside the Sierra-Plumas Joint Unified School District.
5. Obtain at least _____ hours specific counseling by an appropriate counseling expert employed by an agency which helps people overcome _____ abuse. This counseling should be verified, in writing, to the Superintendent of Schools.
6. Do not use, possess, sell or have any other involvements with _____.
7. Become involved in regularly scheduled productive volunteer service. That service should help other persons and/or acquaint the student with the problems associated with substance abuse. The total hours of such service should be at least _____ hours and should be verified, in writing, to the Superintendent of Schools.
8. Submit a 1,000 word report, to the Superintendent of Schools, based on at least five (5) or more sources. (e.g. books, articles, interviews, etc.) The report should be on a topic related to the offense. The first page of the report should list what the student learned from the research he/she did to write the report.

Date:

 (Names and titles of Admin Panel typed here)
 Administrative Panel
 Appointed by the Board of Education of the Sierra-
 Plumas Joint Unified School District

Reviewed by Superintendent of Schools

 Dr. Merrill M. Grant

Date:

SECTION 9 - NOTIFICATION FROM THE HEARING PANEL

- This letter is sent to the parent within three school days following the student's hearing (with proof of service).
- It informs the parent/guardian of the recommendation the Panel will make to the Board of Education.

(Letterhead)

ACTION TAKEN BY ADMINISTRATIVE HEARING PANEL

Dear Mr. _____ :

This letter is to inform you of the action taken by the Administrative Hearing Panel, formed pursuant to California Education Code Section 48918, on _____ with regard to the recommended expulsion of _____.

The Administrative Panel found that _____ had violated Education Code Section 48900 parts (c) and (k) and Administrative Regulation 5144.1, and, thus, recommend to the Board of Education that be expelled from the Sierra-Plumas Joint Unified School District. The term of expulsion is recommended to be the remainder of the _____ of the _____ school year, plus the _____ of the _____ school year. The Panel further recommends that the Board instruct _____ to follow the rehabilitation plan listed below, as a condition of readmission to the district:

1. Do not go on or near any school campus of the district without prior written permission from the principal.
2. Do not violate any of the laws of the State of California.
3. Demonstrate cooperative and compliant behavior to any person with legal authority over the student, including parents.
4. Attend the Sierra Pass Continuation School or, if the parent chooses, seek alternative educational options outside the Sierra-Plumas Joint Unified School District.
5. Obtain at least four (4) hours specific counseling by an appropriate counseling expert employed by an agency which helps people overcome alcohol/drug abuse. This counseling should be verified, in writing, to the Superintendent of Schools.
6. Do not use, possess, sell or have any other involvements with alcohol or any controlled substance.
7. Become involved in regularly scheduled productive volunteer service. That service should help other persons and/or acquaint the student with the problems associated with substance abuse. The total hours of such service should be at least _____ hours and should be verified, in writing, to the Superintendent of Schools.
8. Submit a 1,000 word report, to the Superintendent of Schools, based on at least five (5) or more sources. (e.g. books, articles, interviews, etc.) The report should be on a topic related to the offense. The first page of the report should list what the student learned from the research he did to write the report.

The Board of Education is scheduled to take final action on this matter in Closed Session at the regularly scheduled Board meeting of . A written notice confirming the Board's decision will be forwarded to you within three school days following the Board meeting.

Sincerely,

Dr. Merrill M. Grant,
Superintendent of Schools

cc: , Principal

SECTION 10 - SAMPLE MOTIONS

- Sample Motions are provided to the Board.
- The Board of Education will read out from the samples, their decision, in open session.
- Two sample motions are prepared; one agreeing with the Superintendent's recommendation and another in case the Board chooses not to accept the Superintendent's recommendation.

SAMPLE MOTION
EXPULSION

FOR BOARD ONLY (Sample motions in the event of an expulsion recommendation from the Administrative Panel)

The Board of Education, having reviewed the findings of fact and recommendations submitted by the Administrative Panel, make the decision to expel based upon substantial evidence related to charges against Student # _____ that adduced at the expulsion hearing. The Board finds the charges are related to school activity and sufficient to support expulsion. It is also the conclusion of the Board that due to the nature of the violations, student's continued attendance could create a continuing threat to the physical safety of other students. The Board hereby orders the expulsion of student # _____ from the school of the Sierra-Plumas Joint Unified School District for violation of Education Code Section 48900, parts (c) and (k) and Administrative and instructs Student # _____ to follow the Rehabilitation Plan listed below:

REHABILITATION PLAN

1. Do not go on or near any school campus of the district without prior written permission from the principal.
2. Do not violate any of the laws of the State of California.
3. Demonstrate cooperative and compliant behavior to any person with legal authority over the student, including parents.
4. Attend the Sierra Pass Continuation School or, if the parent chooses, seek alternative educational options outside the Sierra-Plumas Joint Unified School District.
5. Obtain at least four (4) hours specific counseling by an appropriate counseling expert employed by an agency which helps people overcome alcohol/drug abuse. This counseling should be verified, in writing, to the Superintendent of Schools.
6. Do not use, possess, sell or have any other involvements with alcohol or any controlled substance.
7. Become involved in regularly scheduled productive volunteer service. That service should help other persons and/or acquaint the student with the problems associated with substance abuse. The total hours of such service should be at least _____ hours and should be verified, in writing, to the Superintendent of Schools.
8. Submit a 1,000 word report, to the Superintendent of Schools, based on at least five (5) or more sources. (e.g. books, articles, interviews, etc.) The report should be on a topic related to the offense. The first page of the report should list what the student learned from the research he did to write the report.

**SAMPLE MOTION FOR A
SUSPENDED EXPULSION**

FOR BOARD ONLY:

The Board of Education, having reviewed the findings of fact and recommendations submitted by the Administrative Panel, make the decision to expel based upon substantial evidence related to charges against Student # _____ that adduced at the expulsion hearing. The Board finds the charges are related to school activity and sufficient to support expulsion. It is the board's conclusion that due to the nature of the violations, the continued attendance could create a continuing threat to the physical safety of other students, unless placed under the conditions associated with the suspension of an expulsion. The board hereby orders the expulsion of Student # _____ from the _____ school of the Sierra-Plumas Joint Unified School District for violation of Education Code Section 48900, parts (c) and (k) and District Administrative Regulation 5144.1, but to suspend the enforcement of said expulsion, with the following conditions:

1. Pupil is to complete the Educational Program contained in the Probation Plan below.
2. During the period of suspension of student's expulsion, student shall be deemed to be on probationary status. The term of student's probationary status shall be the remainder of the second semester of the _____ school year, plus the first semester of the _____ school year.
3. The suspension of student's expulsion order may be revoked by the Board of Education upon student's commission of any of the acts enumerated in Education Code 48900, or for any violation of the District's Administrative Regulations governing pupil conduct, and failure to comply with the Probation Plan. Upon revocation of the suspension of the expulsion order, student may be expelled under the terms of the original expulsion order and excluded from _____ school.

PROBATION PLAN

1. Do not go on or near any school campus of the district without prior written permission from the principal.
2. Do not violate any of the laws of the State of California.
3. Demonstrate cooperative and compliant behavior to any person with legal authority over the student, including parents.
4. Obtain at least four (4) hours specific counseling by an appropriate counseling expert employed by an agency which helps people overcome alcohol drug abuse. This counseling should be verified, in writing, to the Superintendent of Schools.
5. Do not use, possess, sell or have any other involvements with alcohol or any controlled substance.
6. Become involved in regularly scheduled productive volunteer service. That service should help other persons and/or acquaint the student with the problems associated with substance abuse. The total hours of such service should be at least 90 hours and should be verified, in writing, to the Superintendent of Schools.
7. Submit a 1,000 word report, to the Superintendent of Schools, based on at least five (5) or more sources (e.g. books, articles, interviews, etc.) The report should be on a topic related to the offense. The first page of the report should list what the student learned from the research he/she did to write the report.

CLOSED SESSION MOTION

IF STUDENT IS EXPELLED, THE FOLLOWING IS TO BE STATED TO PARENTS BY BOARD CHAIRMAN IN CLOSED SESSION:

The Board will take formal action in open session later in our regular meeting; however, in keeping with the Board of Education's policy to inform you of your legal rights, we would call your attention to Section 48919 of the Education Code, which allows you to appeal this expulsion to the (Plumas) County Board of Education. Further information as to whom to contact will be sent to you later. This section of the Education Code reads:

If a pupil is expelled from school, the parent or guardian may appeal to the County Board of Education, which shall hold a hearing thereon and render a decision. The decision of the County Board of Education shall be final and binding upon the parent or guardian and the governing board expelling the pupil.

For your information, the review by the County Board of Education is limited to the following: (1) Whether the District Board acted within its jurisdiction, (2) whether the hearing was fair, (3) whether there was abuse shown, and (4) whether evidence was properly concluded or excluded.

If you wish to have a transcript of this hearing, you may contact the Superintendent's Office and arrange for a copy of the taped hearing (at your expense).

SECTION 11 – EXPULSION ORDER FROM THE BOARD OF EDUCATION

- Order of Expulsion by Board of Education

EXPULSION ORDER
BEFORE THE BOARD OF EDUCATION OF THE
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

In the Matter of the
Expulsion of

PROPOSED FINDINGS OF FACT,
CONCLUSIONS AND RECOMMENDED
ORDER OF THE ADMINISTRATIVE PANEL

The Board of Education hereby adopts the Findings of Fact, Conclusions, and Recommended Order of the Administrative Panel, attached hereto, as the Findings of Fact, Conclusions and Order of the Board of Education in the above-captioned matter.
The PUPIL is ordered expelled.

Dated: _____

AYES:

NOES:

ABSTENTIONS:

ABSENT:

President, Board of Education
Sierra-Plumas Joint Unified School District

SECTION 12 - NOTIFICATION OF THE BOARD'S DECISION

- This letter is sent to the parent within three school days following the Board Meeting with a proof of service.
- It informs the parent of the Board's decision. The letter will spell out any stipulations associated with the Board's decision (rehabilitation/probation plan) and directions for possible readmission/reinstatement of the student.
- Application of Readmission/Restatement
- Non-profit Public Agency Counseling Services

(Letterhead)
ACTION TAKEN BY THE BOARD OF EDUCATION
OR NOTICE OF EXPULSION

Dear Mr. _____ :

This letter is to confirm the action taken by the Board of Education of the Sierra-Plumas Joint Unified School District, at the _____ Board Meeting, with regard to the recommendation to expel your son, _____, from the schools of the District.

The Board of Education determined that _____ had violated Education Code Section 48900, parts (c) and (k), and District Administrative Regulation 5144.1 and that the charges are related to school activity and sufficient to support expulsion. The Board further concluded that due to the nature of the violations, _____ continued attendance could create a continuing threat to the physical safety of other students and, also, that other means of correction have failed to bring about proper conduct.

Based on the above, the Board voted to order the expulsion of _____ from the schools of the Sierra-Plumas Joint Unified School District for the remainder of the second semester of the _____ school year, plus the first semester of the _____ school year. The Board of Education instructs _____ to follow the rehabilitation plan listed below, as a condition for readmission:

5. Do not go on or near any school campus of the district without prior written permission from the principal.
6. Do not violate any of the laws of the State of California.
7. Demonstrate cooperative and compliant behavior to any person with legal authority over the student, including parents.
8. Obtain at least four (4) hours specific counseling by an appropriate counseling expert employed by an agency which helps people overcome alcohol drug abuse. This counseling should be verified, in writing, to the Superintendent of Schools.
5. Do not use, possess, sell or have any other involvements with alcohol or any controlled substance.
6. Become involved in regularly scheduled productive volunteer service. That service should help other persons and/or acquaint the student with the problems associated with substance abuse. The total hours of such service should be at least 90 hours and should be verified, in writing, to the Superintendent of Schools.
7. Submit a 1,000 word report, to the Superintendent of Schools, based on at least five (5) or more sources (e.g. books, articles, interviews, etc.) The report should be on a topic related to the offense. The first page of the report should list what the student learned from the research he/she did to write the report.

Please be advised that in seeking enrollment in another school district, Education Code 48915.1(b) obligates the parent/guardian of an expelled student, or the pupil if the pupil is

emancipated or otherwise legally of age, to inform the receiving school district of his or her status with the previous school district.

You have the right to apply for readmission to the district yearly by sending a written request following the Administrative Regulation 5144.1 which was sent to you with the Notice of Hearing. Enclosed is a copy of the District's application for readmission/reinstatement which needs to complete and submit along with his written request for readmission. Once the District Office receives the application for readmission/reinstatement, a Readmission Meeting will be scheduled for pupil on or about . The purpose of the Readmission Meeting is to review the pupil's compliance with the conditions for readmission as per the assigned Rehabilitation Plan.

Below is the time line related to application for readmission for the first semester of the school year. All pupils requesting readmission at that time are asked to adhere to their part of the following time line.

READMISSION TIME LINE FOR REINSTATEMENT
SECOND SEMESTER OF

- Date Pupil/parent submit Application for Readmission/Reinstatement to the Director of Student Services at the Sierra-Plumas Joint Unified School DistrictPlumas Joint Unified School District
- Date District forwards notice of scheduled meeting date, , and meeting time to parents/student who have submitted an application
- Date Readmission meetings held
- Date District forwards notification to parents/student regarding the recommendation of the administration to the Board of Education
- Date Board of Education Meeting – Final action taken
- Date District forwards notification to parents/student regarding the board of Educations' decision

You have the right to appeal the expulsion of to an impartial higher authority by contacting the Superintendent of Schools pursuant to Education Code Sections 48915, 48917, and 48920. A copy of the expulsion appeal procedure of the Sierra County Board of Education may be obtained from the County Superintendent of Schools located at 109 Beckwith Road, Loyalton, Ca, 96118, (530) 993-1660, ext *837. Pursuant to Education Code Section 48919, your appeal must be made within thirty (30) days following the decision of the Board of Education of this District to expel your child.

Sincerely,

Dr. Merrill M. Grant, Superintendent

cc: , Principal
enc.

SECTION 13 - APPLICATION FOR READMISSION/REINSTATEMENT

- Outlines the process for readmission/reinstatement and required documentation.
- Mailed home with Notification of Board's Decision letter

APPLICATION FOR READMISSION/REINSTATEMENT

PUPIL'S NAME: _____ BIRTHDATE: _____

ADDRESS: _____ TELEPHONE: _____

NAME OF PUPIL'S PARENT OR GUARDIAN:

ADDRESS: _____ TELEPHONE: _____

The Board of Education of the Sierra-Plumas Joint Unified School District has ordered that I,

_____, may apply for readmission/reinstatement to the Sierra-Plumas Joint
(student name)

Unified School District on _____.

It is my intent to apply for readmission/reinstatement to the Sierra-Plumas Joint Unified School District. To support this application, I submit the following documents:

- D. My statement indicating the changes I have made in behavior and philosophy that justify my readmission/reinstatement to the District
- E. My statement indicating how I have complied with the rehabilitation plan recommended by the Board.
- F. All documents relevant to my character and conduct after the expulsion order, including:
 - a. Personal recommendations
 - b. Scholastic recommendations and achievements.
 - c. Arrests and detentions by peace officers.
 - d. Records of disciplinary action against me by private or public schools.
- G. I also submit, on an attached page, the approximate amount of time I will need to allow for any oral presentation to the Board of Education on my behalf.
- H. If the expulsion was suspended, I hereby submit my statement indicating how I have complied with each of the conditions on which the expulsion was suspended.
- I. I understand that this readmission/reinstatement application must be filed with the Superintendent of the Sierra-Plumas Joint Unified School District.

I certify, under penalty of perjury, that all information, documents, and statements provided in this Application for Readmission/Reinstatement and attached to this Application are true and correct.

DATE: _____ SIGNATURE OF STUDENT: _____

Notice to Pupil and Parent/Guardian: The Board of Education of the Sierra-Plumas Joint Unified School District may conduct a hearing to consider whether or not the pupil shall be readmitted/reinstated to normal student status (no longer on probation with the school district) in the school district. The Board shall conduct this hearing within thirty (30) days after this request is filed. A written notice of the hearing shall be forwarded to the pupil and the pupil's parent/guardian at least ten (10) calendar days prior to the date of the hearing.

SECTION 14 - SAMPLE FORMS FOR SUSPENDED EXPULSION

- The wording for documents pertaining to a Panel's recommendation and Board of Education's decision to suspend an expulsion order is slightly different from that of a full expulsion.
- This section includes:
 1. A Recommendation to the Board from the Administrative Hearing Panel.
 2. A letter to the parents informing them of the Panel's recommendation to the Board of Education.
 3. A letter to parents confirming the Board's decision.

RECOMMENDATION FOR SUSPENDED EXPULSION
BEFORE THE BOARD OF EDUCATION OF THE
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

In the Matter of the
Expulsion of

PROPOSED FINDINGS OF FACT,
CONCLUSIONS AND RECOMMENDED
ORDER OF THE ADMINISTRATIVE PANEL

The above-entitled matter involving the recommended expulsion of
hereinafter referred to as PUPIL, came on for hearing before an Administrative Panel, appointed by the
Board of Education of the Sierra-Plumas Joint Unified School District, at the _____, located at _____,
on _____, at _____ AM, _____, presented the expulsion for the Sierra-Plumas Joint Unified School
District. The PUPIL appeared on his own behalf, accompanied by his (parent?) _____, _____.
Documentary evidence and testimony were received. Based on that evidence, the Administrative Panel
makes the following findings of fact:

FINDINGS

1. _____
2. _____
3. _____

CONCLUSIONS

Pursuant to the foregoing findings of fact, the Administrative Panel concludes that the incidents
described above constitute sufficient cause to expel PUPIL from the public schools of the Sierra-
Plumas Joint Unified School District:

1. _____
2. _____
3. _____

RECOMMENDED ORDER

WHEREFORE, IT IS HEREBY RECOMMENDED that the Board of Trustees order that
PUPIL be expelled from the _____ school of the District subject to PUPIL' s right to petition for
reinstatement at any time on or subsequent to the last day of the second semester of the _____ school
year.

IT IS FURTHER HEREBY RECOMMENDED that the expulsion order of the PUPIL be

suspended in accordance with Education Code 48917 under the following conditions of suspended expulsion:

CONDITIONS OF SUSPENDED EXPULSION

1. PUPIL is to complete the Educational Program contained in the Probation Plan listed below.
2. During the period of suspension of PUPIL's expulsion, PUPIL shall be deemed to be on probationary status. The PUPIL's term of probation shall be the remainder of the first semester and through the second semester of the school year. The suspension of the expulsion order may be revoked by the Board of Education upon PUPIL's commission of any of the acts enumerated in education Code 48900, that would normally result in a suspension. Upon revocation of the suspension of the expulsion order,

PUPIL may be expelled under the terms of the original expulsion order and excluded from all District schools.

PROBATION PLAN

IT IS ALSO RECOMMENDED that the Board of Education instruct PUPIL to comply with the Probation Plan listed below, and provide evidence of compliance prior to the end of the second semester, as a condition for full reinstatement upon completion of the term of suspended expulsion:

1. Do not violate any of the laws of the State of California.
2. Comply with all rules and regulations established by the Sierra-Plumas Joint Unified School District.
3. Demonstrate cooperative and compliant behavior to any person with legal authority over the student, including parents.
4. Obtain a least hours specific counseling by an appropriate counseling expert employed by an agency which helps people modify their behavior in keeping with good citizenship, including social behavior. This counseling should be verified, in writing to the Superintendent of Schools.

5. Do not possess any firearms, knives, explosives or other dangerous objects.
6. Become involved in regularly scheduled, productive volunteer service. That service should be verified in writing to the Superintendent of Schools and be at least hours.

Date _____

Date _____

Date _____

Administrative Panel,
Appointed by the Board of Education
Of the Sierra-Plumas Joint Unified School District

SUSPENDED EXPULSION ORDER
BEFORE THE BOARD OF EDUCATION OF THE
SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

In the Matter of the
Expulsion of

PROPOSED FINDINGS OF FACT,
CONCLUSIONS AND RECOMMENDED
ORDER OF THE ADMINISTRATIVE PANEL

The Board of Education hereby adopts the Findings of Fact, Conclusions, and Recommended Order of the Administrative Panel, attached hereto, as the Findings of Fact, Conclusions and Order of the Board of Education in the above-captioned matter.

The PUPIL is ordered expelled and the expulsion is ordered suspended.

Dated:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

President,
Sierra-Plumas Joint Unified School District

Date: _____

ACTION TAKEN BY ADMINISTRATIVE PANEL

Dear Mr. _____ :

This letter is to inform you of the action taken on _____, by the Administrative Hearing Panel, formed pursuant to California Education Code section 48918(d), with regard to the expulsion hearing of your son/daughter, _____.

The Administrative Hearing Panel found that the charge against _____ were true, that the charges violated Education Code Section 48900 parts (b) and (k) and District Administrative Procedures 6.4, and were related to school activity. The Hearing Panel, therefore, has recommended the Board of Education order the expulsion of _____ from the schools of the Sierra-Plumas Joint Unified School District for the remainder of the first semester and through the second semester of the 1997-98 school year. However, the Panel further recommends that the expulsion order be suspended in accordance with Education Code 48917 and that _____ be allowed to continue attending _____ School with the following conditions to the suspension of expulsion imposed:

CONDITIONS OF SUSPENDED EXPULSION

1. PUPIL is to complete the Educational Program contained in the Probation Plan listed below.
2. During the period of suspension of PUPIL's expulsion, PUPIL shall be deemed to be on probationary status. The PUPIL's term of probation shall be the remainder of the first semester and through the second semester of the _____ school year.
3. The suspension of the expulsion order may be revoked by the Board of Education upon PUPIL's commission of any of the acts enumerated in Education Code 48900 that would normally result in a suspension. Upon revocation of the suspension of the expulsion order, PUPIL may be expelled under the terms of the original expulsion order and excluded from all District schools.

The Panel also recommends that the Board of Education instruct _____ to comply with

the Probation Plan listed below, and provide evidence of compliance prior to the end of the second semester, as a condition for full reinstatement upon completion of the term of suspended expulsion:

PROBATION PLAN

1. Do not violate any of the laws of the State of California.
2. Comply with all rules and regulations established by the Sierra-Plumas Joint Unified School District.
3. Demonstrate cooperative and compliant behavior to any person with legal authority over the student, including parents.
4. Do not possess any firearms, knives, explosives or other dangerous objects.
5. Obtain at least four hours specific counseling by an appropriate counseling expert employed by an agency which helps people modify their behavior in keeping with good citizenship, including social behavior. This counseling should be verified, in writing, by the Superintendent of Schools.
6. Become involved in regularly scheduled, productive volunteer service. The total hours of such service should be at least 90 and verified, in writing, to the Superintendent of Schools.

The Board of Education is scheduled to take action on the recommended expulsion of at the _____ Board meeting. A written notice confirming the Board's decision will be forwarded to you within three school days following the Board meeting.

Sincerely,

Administrative Panel Chair (or Superintendent of Schools)

NOTICE OF EXPULSION
(SUSPENDED)

Dear Mr. _____ :

This letter is to confirm the action taken by the Board of Education of the Sierra-Plumas Joint Unified School District, at the _____ Board Meeting with regard to the recommended expulsion of your son, _____ .

Based on documentation presented, the Board of Education found the charges against _____ are true, related to school activity and sufficient to support expulsion. The Board further concluded that due to the nature of the violation, pupil's continuing presence could cause a danger to the physical safety of the pupil or others. The Board thereby ordered the expulsion of _____ from the schools of the District for violation of Education Code Section 48900, parts (b) and (k), and Administrative Regulation 5144.1.

The Board further ordered the expulsion order be suspended in accordance with Education Code Section 48917, and that _____ be reinstated at _____ School under the following conditions:

CONDITIONS OF SUSPENDED EXPULSION

1. PUPIL is to complete the Educational Program contained in the Probation Plan listed below.
2. During the period of suspension of PUPIL's expulsion, PUPIL shall be deemed to be on probationary status. The PUPIL's term of probation shall be the remainder of the first semester and the second semester of the _____ school year.
3. The suspension of the expulsion order may be revoked by the Board of Education upon PUPIL's commission of any of the acts enumerated in Education Code 48900 that would normally result in a suspension. Upon revocation of the suspension of the expulsion order, PUPIL may be expelled under the terms of the original expulsion order and excluded from all District schools.

PROBATION PLAN

The Board of Education has ordered that _____ comply with the Probation Plan listed below, and provide evidence of compliance prior to the end of the second semester, as a condition for full reinstatement upon completion of the term of suspended expulsion:

1. Do not violate any of the laws of the State of California.
2. Comply with all rules and regulations established by the Sierra-Plumas Joint Unified School

District.

3. Demonstrate cooperative and compliant behavior to any person with legal authority over the student, including parents.
4. Do not possess firearms, knives, explosives or other dangerous objects.
5. Obtain at least four hours specific counseling by an appropriate counseling expert employed by an agency which helps people modify their behavior in keeping with good citizenship, including social behavior. This counseling should be verified, in writing, to the Superintendent of Schools.
6. Become involved in regularly scheduled, productive volunteer service. The total hours of such service should be 90 and verified, in writing, to the Sierra-Plumas Joint Unified School District Superintendent of Schools.

Please plan to submit documentation verifying _____'s compliance with the terms of probation by _____. Upon receipt of your documentation, a meeting will be scheduled to consider _____'s full reinstatement as a regular student.

You have the right to appeal the expulsion of _____ to the County Board of Education pursuant to Education Code sections 48915, 48917, and 48920. A copy of the expulsion appeals procedure of the Sierra County Board of Education may be obtained from the County Superintendent of Schools located at 109 Beckwith Road, Loyalton, California, 96118. Pursuant to Education Code Section 48919, your appeal must be made within thirty (30) days following the decision of the Board of Education of this District to expel your child.

Sincerely,

Dr. Merrill M. Grant

cc:

_____, Principal

SECTION 15 - MAINTAINING RECORDS AT THE SCHOOL SITE

- The Superintendent sends a memo to the school informing them of the decision of the Board of Education and giving the school directions on maintaining records at the school.

MEMO TO SCHOOL SITE
REGARDING SCHOOL RECORDS

TO: _____, Principal

FROM: Superintendent's Office

RE: Maintaining Records of Expulsion at School Site

Attached is the Notice of Expulsion and the Findings of Fact for _____. Please file these attachments in _____'s student cumulative file. If another district requests his records, please be sure that this information is sent along with his permanent school records.

If you have any questions, feel free to call my office at 993-1660 Ext. *840.

Attachment: Expulsion Order

ATTACHMENT A - Policies and Regulations

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT
BOARD POLICY AND ADMINISTRATIVE REGULATIONS 5144.1,
SUSPENSIONS AND EXPULSIONS/DUE PROCESS,
and
ADMINISTRATIVE REGULATION 5144.2, SUSPENSIONS AND
EXPULSIONS/DUE PROCESS (STUDENTS WITH DISABILITIES)
and
ADMINISTRATIVE REGULATION 5131, CONDUCT

SUSPENSION AND EXPULSION/DUE PROCESS

Students BP 5144.1(a)

The Board of Education desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.2 - Bullying)

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be only those specified in law, in this policy, and in the accompanying administrative regulation.

Except when otherwise permitted by law, a student may be suspended or expelled only when his/her behavior is related to a school activity or school attendance occurring within any district school or another school district, regardless of when it occurs, including, but not limited to, the following:
(Education Code 48900(s))

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus
(cf. 5112.5 - Open/Closed Campus)
4. During, going to, or coming from a school-sponsored activity

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the district's nondiscrimination policies.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Appropriate Use of Suspension Authority

Except when a student's act violates Education Code 48900(a)-(e), as listed in items #1-5 under "Grounds for Suspension and Expulsion: Grades K-12" of the accompanying administrative regulation, or when his/her presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5, 48900.6)

(cf. 1020 - Youth Services)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to on-campus or off-campus suspension.

No student in grades K-3 may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

Authority to Expel

A student may be expelled only by the Board. (Education Code 48918(j))

As required by law, the Superintendent or principal shall recommend expulsion and the Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: (Education Code 48915)

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence

(cf. 5131.7 - Weapons and Dangerous Instruments)

2. Selling or otherwise furnishing a firearm
3. Brandishing a knife at another person
4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
6. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulation under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12," the Superintendent or principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following: (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct

2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

A vote to expel a student shall be taken in a public session.

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. (Education Code 48917)

No student shall be expelled for disruption or willful defiance. (Education Code 48900)

Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and/or expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911, 48915, 48915.5, 48918)

(cf. 5119 - Students Expelled from Other Districts)

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

Maintenance and Monitoring of Outcome Data

The Superintendent or designee shall annually present to the Board a report of the outcome data which the district is required to collect pursuant to Education Code 48900.8 and 48916.1, including the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period.

The report shall be disaggregated by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, foster youth, and students with disabilities. The report also shall include information about whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

(cf. 0460 - Local Control and Accountability Plan)

Legal Reference

EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981-1981.5 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings

35146 Closed sessions (regarding suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48645.5 Readmission; contact with juvenile justice system

48660-48666 Community day schools

48853.5 Foster youth

48900-48927 Suspension and expulsion

48950 Speech and other communication

48980 Parental notifications

49073-49079 *Privacy of student records*
52060-52077 *Local control and accountability plan*
CIVIL CODE

47 *Privileged communication*
48.8 *Defamation liability*

CODE OF CIVIL PROCEDURE

1985-1997 *Subpoenas; means of production*

GOVERNMENT CODE

11455.20 *Contempt*

54950-54963 *Ralph M. Brown Act*

HEALTH AND SAFETY CODE

11014.5 *Drug paraphernalia*

11053-11058 *Standards and schedules*

LABOR CODE

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

PENAL CODE

31 *Principal of a crime, defined*

240 *Assault defined*

241.2 *Assault fines*

242 *Battery defined*

243.2 *Battery on school property*

243.4 *Sexual battery*

245 *Assault with deadly weapon*

PENAL CODE continued

245.6 *Hazing*

261 *Rape defined*

266c *Unlawful sexual intercourse*

286 *Sodomy defined*

288 *Lewd or lascivious acts with child under age 14*

288a *Oral copulation*

289 *Penetration of genital or anal openings*

417.27 *Laser pointers*

422.55 *Hate crime defined*

PENAL CODE (continued)

422.6 *Interference with exercise of civil rights*

422.7 *Aggravating factors for punishment*

422.75 *Enhanced penalties for hate crimes*

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

626.9 *Gun-Free School Zone Act of 1995*

626.10 *Dirks, daggers, knives, razors, or stun guns*

868.5 *Supporting person; attendance during testimony of witness*

WELFARE AND INSTITUTIONS CODE

729.6 *Counseling*

UNITED STATES CODE, TITLE 18

921 *Definitions, firearm*

UNITED STATES CODE, TITLE 20

1415(K) *Placement in alternative educational setting*

7151 *Gun-free schools*

UNITED STATES CODE, TITLE 42

11432-11435 *Education of homeless children and youths*

COURT DECISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267

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

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

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

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

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

ATTORNEY GENERAL OPINIONS

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

80 Ops.Cal.Atty.Gen. 348 (1997)

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

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

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014

WEB SITES

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

California Attorney General's Office: <http://www.oag.ca.gov>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and Drug-Free Schools: <http://www.ed.gov/about/offices/list/osdfs>

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

Policy SIERRA COUNTY OFFICE OF EDUCATION

adopted: April 10, 2007 Sierraville, California

revised: August 9, 2011 Loyalton, California

revised: June 12, 2012

revised: April 9, 2013

revised: June 18, 2014

revised: March 10, 2015

SUSPENSION AND EXPULSION/DUE PROCESS

Students AR 5144.1(a)

Definitions

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

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

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

Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, including suspension and expulsion. (Education Code 35291, 48900.1, 48980)

(cf. 5144 - Discipline)

(cf. 5145.6 - Parental Notifications)

Grounds for Suspension and Expulsion: Grades K-12

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows:

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

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code 48900(a) and (t))
2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence (Education Code 48900(b))

(cf. 5131 - Conduct)

(cf. 5131.7 - Weapons and Dangerous Instruments)

3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind (Education Code 48900(c))

(cf. 5131.6 - Alcohol and Other Drugs)

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as such controlled substance, alcoholic beverage, or intoxicant (Education Code 48900(d))
5. Committed or attempted to commit robbery or extortion (Education Code 48900(e))
6. Caused or attempted to cause damage to school property or private property (Education Code 48900(f))
7. Stole or attempted to steal school property or private property (Education Code 48900(g))
8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products (Education Code 48900(h))

(cf. 5131.62 - Tobacco)

9. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code 48900(i))
10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5 (Education Code 48900(j))
11. Knowingly received stolen school property or private property (Education Code 48900(l))
12. Possessed an imitation firearm (Education Code 48900(m))

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

13. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))
14. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code 48900(o))
15. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code 48900(p))
16. Engaged in, or attempted to engage in, hazing (Education Code 48900(q))

Hazing means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a

former, current, or prospective student. *Hazing* does not include athletic events or school-sanctioned events. (Education Code 48900(q))

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

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

Bullying shall include any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 and below in items #1-3 of "Additional Grounds for Suspension and Expulsion: Grades 4-12," that has any of the effects described above on a reasonable student.

Electronic act means the creation or transmission of a communication originated on or off school site, including, but not limited to, a message, text, sound, image, or 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. A post on a social network Internet web site shall include, but is not limited to, the posting or creation of a burn page or the creation of a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above. (Education Code 48900(r))

Reasonable student means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of his/her age, or for a person of his/her age with his/her disability. (Education Code 48900(r))

(cf. 1114 - District-Sponsored Social Media)

(cf. 5131.2 - Bullying)

(cf. 6163.4 - Student Use of Technology)

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

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

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

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

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

Additional Grounds for Suspension and Expulsion: Grades 4-12

Any student in grades 4-12 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))

(cf. 5131.4 - Student Disturbances)

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

1. Committed sexual harassment as defined in Education Code 212.5 (Education Code 48900.2)
Sexual harassment means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

(cf. 5145.7 - Sexual Harassment)

2. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233 (Education Code 48900.3)

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

(cf. 5145.9 - Hate-Motivated Behavior)

3. Intentionally engaged in harassment, threats, or intimidation against district personnel or students 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 school personnel or students by creating an intimidating or hostile educational environment (Education Code 48900.4)

(cf. 5145.3 - Nondiscrimination/Harassment)

Suspension from Class by a Teacher

A teacher may suspend a student, including a grade K-3 student, from class for the remainder of the day and the following day for disruption, willful defiance, or any of the other acts specified in Education Code 48900 and listed as items #1-18 under "Grounds for Suspension and Expulsion: Grades K-12" above. (Education Code 48910)

When suspending a student from class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. If that action requires the continuing presence of the student at school, he/she shall be appropriately supervised during the class periods from which he/she has been suspended. (Education Code 48910)

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

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

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

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

Suspension by Superintendent, Principal or Principal's Designee

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

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

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

For all other offenses, a student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct in the student. (Education Code 48900.5)

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

(cf. 5125 - Student Records)

Length of Suspension

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

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

(cf. 6184 - Continuation Education)

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

Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, presented with the available evidence against him/her, and given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911)

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of the conference and the conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such a case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)
3. **Notice to Parents/Guardians:** At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall also be notified in writing of the suspension. (Education Code 48911)

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

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

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

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

5. **Extension of Suspension:** If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision, provided the following requirements are followed: (Education Code 48911)
 - a. The extension of the original period of suspension is preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension.
 - b. The Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

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

(cf. 6173.1 - Education for Foster Youth)

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

(cf. 6173 - Education for Homeless Children)

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

Suspension by the Board

The Board may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12" above and within the limits specified under "Suspension by Superintendent, Principal, or Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold a closed session if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by registered or certified mail or personal service. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

On-Campus Suspension

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

1. The on-campus suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The on-campus suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.

4. The student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

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

Principal's Authority to Recommend Expulsion

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

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-11058, except for (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication for his/her use or other medication prescribed for him/her by a physician
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

In determining whether or not to recommend the expulsion of a student, the Superintendent, principal, or designee shall act as quickly as possible to ensure that the student does not lose instructional time. (Education Code 48915)

Right to Expulsion Hearing

Any student recommended for expulsion shall be entitled to a hearing to determine whether he/she should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed the act(s) that form the basis for the expulsion recommendation. (Education Code 48918(a))

The student is entitled to at least 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 the Board finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period 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))

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

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

Stipulated Expulsion

After a determination that a student has committed an expellable offense, the Superintendent, principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion or to a suspension of the expulsion under certain conditions. The offer shall be made only after the student or his/her parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code 48918.

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

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

Rights of Complaining Witness

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

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

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

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)

Written Notice of the Expulsion Hearing

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. The notice shall include: (Education Code 48900.8, 48918(b))

1. The date and place of the hearing
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based
3. A copy of district disciplinary rules which relate to the alleged violation

4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment

This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

(cf. 5119 - Students Expelled from Other Districts)

5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney adviser

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

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

6. The right to inspect and obtain copies of all documents to be used at the hearing
7. The opportunity to confront and question all witnesses who testify at the hearing
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses

Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students

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

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

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

Conduct of Expulsion Hearing

1. **Closed Session:** Notwithstanding Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such a request is made, the meeting shall be public to the extent that privacy rights of other students are not violated. (Education Code 48918)

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

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

2. **Record of Hearing:** A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))
3. **Subpoenas:** Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

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

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

4. **Presentation of Evidence:** Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12" above. (Education Code 48918(h))

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

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

5. **Testimony by Complaining Witnesses:** The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)
 - a. Any complaining witness shall be given five days' notice before being called to testify.
 - b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during his/her testimony.

- c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
 - d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
 - e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
 - f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
 - g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.
 - (1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
 - (2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
 - (3) The person conducting the hearing may:
 - (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
 - (b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours
 - (c) Permit one of the support persons to accompany the complaining witness to the witness stand
6. **Decision:** The Board's decision as to whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

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

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

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

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

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

Final Action by the Board

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

(cf. 9321.1 - Closed Session Actions and Reports)

The Board's decision is final. If the decision is to not expel, the student shall be reinstated immediately. If the decision is to suspend the enforcement of the expulsion, the student shall be reinstated under the conditions of the suspended expulsion.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for any act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

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

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

2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

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

Written Notice to Expel

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

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion: Grades K-12" or "Additional Grounds for Suspension and Expulsion: Grades 4-12" (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 (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

Decision to Suspend Expulsion Order

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion order, the Board shall take into account the following criteria:

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

The suspension of the enforcement of an expulsion shall be governed by the following:

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
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: Grades K-12" or

"Additional Grounds for Suspension and Expulsion: Grades 4-12" above or violates any of the district's rules and regulations governing student conduct. (Education Code 48917)

4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)
6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/her status with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 48918(j))
7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

Appeal

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

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

Notification to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The principal or designee also 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. In addition, law enforcement authorities shall be notified regarding any acts by students regarding the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering, or sale of controlled substances, alcohol, or intoxicants of any kind. (Education Code 48902)

Placement During Expulsion

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

1. Appropriately prepared to accommodate students who exhibit discipline problems

2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at any of these
3. Not housed at the school site attended by the student at the time of suspension

(cf. 6158 - Independent Study)

(cf. 6185 - Community Day School)

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

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

Readmission After Expulsion

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

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

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

Maintenance of Records

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

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

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

(cf. 5119 - Students Expelled from Other Districts)

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

Regulation **SIERRA COUNTY OFFICE OF EDUCATION**

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Sierra County/Sierra-Plumas Joint USD
Administrative Regulation
Suspension And Expulsion/Due Process (Students With Disabilities)

AR 5144.2
Students

A student identified as an individual with a disability pursuant to the Individuals with Disabilities Education Act (IDEA), 20 USC 1400-1482, is subject to the same grounds and procedures for suspension and expulsion which apply to students without disabilities, except as otherwise specified in this administrative regulation.

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Suspension

The Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536. (Education Code 48903; 34 CFR 300.530)

The principal or designee shall monitor the number of days, including portions of days, in which a student with a valid individualized education program (IEP) has been suspended during the school year.

(cf. 6159 - Individualized Education Program)

The Superintendent or designee shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall be deemed to have occurred under either of the following circumstances: (34 CFR 300.536)

1. The removal is for more than 10 consecutive school days.
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
 - a. The series of removals total more than 10 school days in a school year.
 - b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.
 - c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

If a student's removal is determined to be a change of placement as specified in items #1-2 above, or the student is suspended for more than 10 school days in the same school year, the

student's IEP team shall determine the appropriate educational services. Such services shall be designed to enable the student to continue to participate in the general education curriculum in another setting, to progress toward meeting the goals set out in his/her IEP, and to address the student's behavior violation so that it does not recur. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

If the IEP of a student with a disability requires the district to provide the student with transportation, the district

shall provide the student with an alternative form of transportation at no cost to him/her or to his/her parent/guardian when he/she is to be excluded from school bus transportation. (Education Code 48915.5)

(cf. 3541.2 - Transportation for Students with Disabilities)

Interim Alternative Educational Placement Due to Dangerous Behavior

The district may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard to whether the behavior is a manifestation of the student's disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function: (20 USC 1415(k)(1)(G); 34 CFR 300.530)

1. Carries or possesses a weapon, as defined in 18 USC 930
2. Knowingly possesses or uses illegal drugs
3. Sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), Schedules I-V
4. Inflicts serious bodily injury upon another person as defined in 18 USC 1365

The student's interim alternative educational setting shall be determined by his/her IEP team. (20 USC 1415(k)(1)(G); 34 CFR 300.531)

On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

A student who has been removed from his/her current placement because of dangerous behavior shall receive services, although in another setting, to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the

goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

Manifestation Determination

The following procedural safeguards shall apply when a student with a disability is suspended for more than 10 consecutive school days, when a series of removals of a student constitutes a pattern, or when a change of placement of a student is contemplated due to a violation of the district's code of conduct:

1. Notice: On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

(cf. 5145.6 - Parental Notifications)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

2. Manifestation Determination Review: Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

At the manifestation determination review, the district, the student's parent/guardian, and relevant members of the IEP team (as determined by the district and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following: (20 USC 1415(k)(1)(E); 34 CFR 300.530)

- a. Caused by or had a direct and substantial relationship to the student's disability
- b. A direct result of the district's failure to implement the student's IEP, in which case the district shall take immediate steps to remedy those deficiencies

If the manifestation review team determines that either of the above conditions applies, the student's conduct shall then be determined to be a manifestation of his/her disability. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

3. **Determination that Behavior is a Manifestation of the Student's Disability:** When the student's conduct has been determined to be a manifestation of his/her disability, the IEP team shall conduct a functional behavioral assessment, unless one had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavioral intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

The student shall be returned to the placement from which he/she was removed, unless the parent/guardian and Superintendent or designee agree to a change of placement as part of the modification of the behavioral intervention plan. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

4. **Determination that Behavior is Not a Manifestation of the Student's Disability:** When it has been determined that the student's conduct was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities. However, the student's IEP team shall determine services necessary to enable him/her to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

As appropriate, the student also shall receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

(cf. 6158 - Independent Study)
(cf. 6185 - Community Day School)

Due Process Appeals

If the parent/guardian disagrees with any district decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances) or 34 CFR 300.531 (interim alternative placement), or the manifestation determination under 34 CFR 300.530(e), he/she may appeal the decision by requesting a hearing. The district may request a hearing if the district believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a due process hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b). (20 USC 1415(k)(3); 34 CFR 300.532)

Whenever a hearing is requested as specified above, the parent/guardian or the district shall have an opportunity for an expedited due process hearing consistent with requirements specified in 34 CFR 300.507, 300.508 (a)-(c),

and 300.510-300.514.

If the student's parent/guardian or the district has initiated a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise. (20 USC 1415(k)(4); 34 CFR 300.533)

Readmission

Readmission procedures for students with disabilities shall be the same as those adopted for students without disabilities. Upon readmission of a student with disabilities, an IEP team meeting shall be convened to review and, as necessary, modify the student's IEP.

Decision Not to Enforce Expulsion Order

The Governing Board's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students. (Education Code 48917)

Notification to Law Enforcement Authorities

Law enforcement notification requirements involving students with disabilities shall be the same as those specified for all students in AR 5144.1 - Suspension and Expulsion/Due Process.

When giving any required notification concerning a student with disabilities to any law enforcement official, the principal or designee shall require the law enforcement official to certify in writing that he/she will not disclose the student's information or records to any other person without the prior written consent of the student's parent/guardian. (Education Code 49076)

(cf. 5131.7 - Weapons and Dangerous Instruments)

Report to County Superintendent of Schools

The Superintendent or designee shall report to the County Superintendent of Schools when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action. (Education Code 48203)

Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been determined to be eligible for special education and related services and who has violated the district's code of student conduct may nevertheless assert any of the protections under IDEA, if the district had knowledge of the student's disability. (20 USC 1415(k)(5); 34 CFR 300.534)

Knowledge means that, before the occurrence of the behavior that precipitated the disciplinary action, one of the following occurred: (20 USC 1415(k)(5); 34 CFR 300.534)

1. The parent/guardian, in writing, has expressed concern to district supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education or related services.
2. The parent/guardian has requested an evaluation of the student for special education pursuant to 20 USC 1414(a)(1)(B) or 34 CFR 300.300-300.311.

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

3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or other supervisory district personnel about a pattern of behavior demonstrated by the student.

However, the district shall not be deemed to have knowledge of a student's disability if the student's parent/guardian has not allowed him/her to be evaluated for special education services or has refused services or, after evaluating the student pursuant to 34 CFR 300.300-300.311, the district determined that he/she was not an individual with a disability.

When the district is deemed to not have knowledge of a student's disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(5); 34 CFR 300.534)

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures pursuant to 34 CFR 300.530, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities. (20 USC 1415(k)(5); 34 CFR 300.534)

Legal Reference:

EDUCATION CODE

35146 Closed sessions re: suspensions
35291 Rules of governing board
48203 Reports of severance of attendance of disabled students
48900-48925 Suspension and expulsion
49076 Access to student records
56000 Special education; legislative findings and declarations
56320 Educational needs; requirements
56321 Development or revision of individualized education program
56329 Independent educational assessment
56340-56347 Individualized education program teams
56505 State hearing

PENAL CODE

245 Assault with deadly weapon
626.2 Entry upon campus after written notice of suspension or dismissal without permission
626.9 Gun-Free School Zone Act
626.10 Dirks, daggers, knives, razors, or stun guns

UNITED STATES CODE, TITLE 18

930 Weapons

1365 Serious bodily injury

UNITED STATES CODE, TITLE 20

1412 State eligibility

1415 Procedural safeguards

UNITED STATES CODE, TITLE 21

812 Controlled substances

UNITED STATES CODE, TITLE 29

706 Definitions

794 Rehabilitation Act of 1973, Section 504

CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 Evaluation and placement

104.36 Procedural safeguards

300.1-300.818 Assistance to states for the education of students with disabilities, especially:

300.530-300.537 Discipline procedures

COURT DECISIONS

Schaffer v. Weast, (2005) 546 U.S. 549

Parents of Student W. v. Puyallup School District, (1994 9th Cir.) 31 F.3d 1489
M.P. v. Governing Board of Grossmont Union High School District, (1994) 858 F.Supp. 1044
Honig v. Doe, (1988) 484 U.S. 305

Management Resources:

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

U.S. Department of Education, Office of Special Education Programs: <http://www.ed.gov/about/offices/list/osers/osep>

SIERRA COUNTY OFFICE OF EDUCATION

Regulation SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

approved: April 10, 2007 Sierraville, California

revised: June 12, 2012

PROHIBITED STUDENT CONDUCT AND CONSEQUENCES Conduct Policy AR 5131		
INCIDENT	FIRST OFFENSE	SECOND OFFENSE
I BEHAVIOR THAT ENDANGERS STAFF AND/OR STUDENTS	Remove student Notify Parent Notify Superintendent for Suspension Review PowerSchool Log Entry Recommend Counseling May Contact Sheriff Refer to RTI SARB Warning Letter	Remove student Parent/Student Conference Notify Superintendent for Expulsion Review PowerSchool Log Entry Recommend Counseling Refer to RTI Refer to SARB May Contact Sheriff
II BEHAVIOR THAT DISRUPTS THE ORDERLY CLASSROOM OR SCHOOL ENVIRONMENT INCLUDING INSUBORDINATION	Remove from classroom Student Conference Notify Parent PowerSchool Log Entry Refer to RTI May Suspend from Class	Remove from Classroom PowerSchool Log Entry Parent/Student Conference May suspend 1 or More Days Revisit RTI Plan SARB Warning Letter
III HARASSMENT OF STUDENTS OR STAFF, INCLUDING BULLYING, INTIMIDATION, HAZING, OR ANY OTHER VERBAL, WRITTEN OR PHYSICAL CONDUCT THAT CAUSES OR THREATENS TO CAUSE BODILY HARM OR EMOTIONAL SUFFERING	Remove student Notify Parent PowerSchool Log Entry Student Conference May suspend 1 day Recommend Counseling Refer to RTI May Notify Sheriff SARB Warning Letter	Remove Student PowerSchool Log Entry Parent/Student Conference May suspend 1 or more days Revisit RTI Plan Recommend counseling May notify Sheriff May refer to SARB
IV DAMAGE TO OR THEFT OF PROPERTY BELONGING TO THE DISTRICT, STAFF, OR STUDENTS	PowerSchool Log Entry Student Conference Notify Parent Replace or Repair Item or Provide Money for Replacement/Repair May Notify Sheriff	PowerSchool Log Entry Student Conference Notify Parent Replace or Repair Item or Provide Money for Replacement/Repair May Notify Sheriff Refer to RTI
V PROFANE, VULGAR, OR ABUSIVE LANGUAGE – WRITTEN OR SPOKEN	PowerSchool Log Entry Detention - 1 day Other as needed	PowerSchool Log Entry Detention – 2 days Other as needed

INCIDENT	FIRST OFFENSE	SECOND OFFENSE
VI PLAGIARISM OR DISHONESTY IN SCHOOL WORK OR ON TESTS	PowerSchool Log Entry Notify Parent Loss of credit on Assignment	PowerSchool Log Entry Parent/Student Conference Loss of Credit
VII INAPPROPRIATE DRESS	PowerSchool Log Entry Student Conference Offer Alternate Article(s) of Clothing Remove from Classes Until Clothing is Within Guidelines	PowerSchool Log Entry Notify Parent Remove from Classes Until Clothing is Within Guidelines SARB Warning Letter
VIII TARDINESS AND UNEXCUSED ABSENCE FROM SCHOOL	May Notify Parent May Notify Sheriff Assign Detention – 1 Day	Assign Detention – 1 Day May Notify Parent May Notify Sheriff May refer to Social Services Eventual SARB referral
IX FAILURE TO REMAIN ON SCHOOL PREMISES ACCORDING TO SCHOOL RULES	PowerSchool Log Entry Notify Parent Detention- 1 Day Considered Truant	PowerSchool Log Entry Notify Parent Detention – 1 Day Eventual SARB Referral
X DISTURBING THE PEACE, INCLUDING, BUT NOT LIMITED TO, DESTROYING PROPERTY, FIGHTING, CHALLENGING ANOTHER TO FIGHT, OR USING OFFENSIVE WORDS LIKELY TO PROVOKE A FIGHT	Remove student Student Conference PowerSchool Log Entry Notify Parent May notify Sheriff Recommend Counseling Refer to RTI	Remove Student PowerSchool Log Entry Parent/Student Conference May suspend 1 or More Days May Notify Sheriff Recommend Counseling Revisit RTI Plan SARB Warning Letter
XI INTERFERING WITH OR UNAUTHORIZED USE OF THE DISTRICT’S COMPUTERS	PowerSchool Log Entry Notify Parent Computer Use Taken Away for up to 1 Week May notify Sheriff	PowerSchool Log Entry Notify Parent Student Conference Notify Superintendent Computer Use in Jeopardy at School May Notify Sheriff

INCIDENT	FIRST OFFENSE	SECOND OFFENSE
XII POSSESSING, USING, OR SELLING ALCOHOL, OTHER DRUGS OR PARAPHERNALIA	PowerSchool Log Entry Notify Parent Student Conference Notify Sheriff Refer to Counseling Refer to RTI	PowerSchool Log Entry Notify Parent Student Conference Notify Superintendent for Suspension Review Notify Sheriff Review Counseling
XIII POSSESSING OR USING TOBACCO OR ANY TOBACCO OR NICOTINE PRODUCT	PowerSchool Log Entry Notify Parent Student Conference Notify Sheriff May refer to Counseling Refer to RTI	PowerSchool Log Entry Notify Parent Student Conference Notify Sheriff Refer to Counseling Revisit RTI Plan
XIV POSSESSING WEAPONS OF ANY KIND	PowerSchool Log Entry Notify Parent Student Conference May Notify Sheriff Notify Superintendent for Suspension/Expulsion Review Refer to Counseling Refer to RTI	PowerSchool Log Entry Notify Parent Student Conference Notify Sheriff Notify Superintendent for Expulsion Review Review Counseling Review RTI Plan
XV PUBLIC DISPLAYS OF AFFECTION	Student Conference PowerSchool Log Entry Notify Parent May Assign Detention	Student Conference PowerSchool Log Entry Notify Parent Refer to Counseling
XVI FAILURE TO SERVE DETENTION(S)	Double Detentions Assigned for Each Missed Detention	Double Detentions Assigned for Each Missed Detention SARB Warning Letter

Unresolved behavior at school may result in a referral to the School Attendance Review Board.

Revised: April 10, 2012

ATTACHMENT B - SUSPENSION FORM

SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

SCHOOL (530) NOTIFICATION OF SUSPENSION		GRADE: _____ DATE: _____ SUSPENDED BY: <input type="checkbox"/> Teacher <input type="checkbox"/> Administrator
Name: LAST: FIRST: <input type="checkbox"/> In-House		POLICE REPORT: <input type="checkbox"/> FILED <input type="checkbox"/> PENDING Report # _____ <i>** Indicates law enforcement MUST be notified</i>
From: Day _____ Time _____ Date _____ To: Day _____ Time _____ Date _____	EXPULSION REVIEW: <input type="checkbox"/> N/A <input type="checkbox"/> Recommended <input type="checkbox"/> Pending Special Education: <input type="checkbox"/> Yes <input type="checkbox"/> No	
PARENT CONFERENCE: <input type="checkbox"/> Held on _____ Time: _____ <input type="checkbox"/> Via telephone on _____ <input type="checkbox"/> Required. Date set _____	STUDENT CONFERENCE: <input type="checkbox"/> Held on _____ Time: _____ <input type="checkbox"/> Via telephone on _____ <input type="checkbox"/> Required. Date set _____	
MANDATORY RECOMMENDATION FOR EXPULSION (Education Code 48915c):		
<input type="checkbox"/> c1 Sale, possession or brandishing a firearm** <input type="checkbox"/> c2 Brandishing a knife at another person <input type="checkbox"/> c3 Selling a controlled substance**		
<input type="checkbox"/> c4 Sexual assault or sexual battery** <input type="checkbox"/> c5 Possession of explosives**		
Education Code Sections 48900 & 48915: <input type="checkbox"/> a.1 Caused, attempted to cause physical injury (mutual combat) <input type="checkbox"/> a.2 Willfully used violence on another person (battery)** <input type="checkbox"/> b. Possession of a weapon, explosive, or dangerous object** <input type="checkbox"/> c. Possessed, used, sold or furnished, drugs, alcohol, or was under the influence of any controlled substance or intoxicant** <input type="checkbox"/> d. Arranged, offered, or negotiated to sell a controlled substance and then provided a replica substance** <input type="checkbox"/> e. Attempted or committed robbery or extortion** <input type="checkbox"/> f. Attempted or caused damage to school or private property <input type="checkbox"/> g. Attempted or stole school or private property <input type="checkbox"/> h. Possessed or used tobacco product <input type="checkbox"/> i. Committed an obscene act or engaged in habitual profanity or vulgarity <input type="checkbox"/> j. Possessed, offered, arranged, or negotiated to sell drug paraphernalia <input type="checkbox"/> k. Disrupted school activities or defied school personnel <input type="checkbox"/> l. Knowingly received stolen school or private property	<input type="checkbox"/> m. Possessed an imitation firearm <input type="checkbox"/> n. Attempted or committed sexual assault or sexual battery <input type="checkbox"/> o. Harassed, threatened, or intimidated a student complainant or witness in a school disciplinary matter <input type="checkbox"/> p. Unlawfully offered, arranged to sell, negotiate to sell, or sold the prescription drug Soma <input type="checkbox"/> q. Engaged in, or attempted to engage in hazing (Penal Code 245.6)** <input type="checkbox"/> r. Engaging in an act of bullying directed to student or school personnel, including via electronic device as defined in Ed Code §32261(f) (g) <input type="checkbox"/> s. Causing or attempting to cause damage to school property, stealing or attempting to steal school property, including computer information <input type="checkbox"/> .2 Committed sexual harassment (Grades 4-12) <input type="checkbox"/> .3 Attempted, threatened, caused or participated in hate violence (Gr 4-12) <input type="checkbox"/> .4 Created an intimidating or hostile environment (Grades 4-12) <input type="checkbox"/> .7 Made terrorist threat <input type="checkbox"/> (48915 a.5) Assault or battery on a school employee** <i>State laws require that the principal recommend expulsion for violations of subsections (a), (b), (c), (d), (e) and other subsections if the incident is deemed to be serious, or is a danger, or recurring.</i>	
Explanation: Parents and Guardians: This suspension is in compliance with Education Code Section 48900 and 48915 et.seq. The suspension has been discussed with your student and he/she has been given an opportunity to explain his/her side of the incident.** If a conference has been requested, please make every effort to attend. Under state law, you are required to respond to this request without delay. If you wish, you and your student may review his/her records provided in Education Code 49069. Make-up work and/or tests may be provided for your student, if requested, for the period of suspension. If you feel the suspension is inappropriate and have discussed your concerns with the school principal, you may request an appeal of the suspension to the Superintendent of Schools by writing to P.O. Box 955, Loyalton CA 96118 or calling for an appointment. PLEASE NOTE: During the school day, your student must not be on or near any school campus. Supervision is the responsibility of the parent/guardian during the suspension.		
_____		_____ Date: _____
Principal or Designee		Parent Signature
_____		_____ Student Signature
**The principal or designee may suspend a student without a conference if an emergency situation exists.		
Superintendent Initials: _____		