

SUSPENSION AND EXPULSION/DUE PROCESS

I. OVERVIEW

A. Definitions

1. Suspension

- a. Suspension is defined as removal of a student from ongoing instruction for adjustment purposes. [EC§48925(d)]
- b. Suspension does not mean:
 - (1) Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level; [EC§48925(d)(1)]
 - (2) Referral to a certificated employee designated by the Principal to advise students; [EC§48925(d)(2)]
 - (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 the Principal's designee.

2. Expulsion

Expulsion is defined as removal of a student from (1) the immediate supervision and control, or (2) the general supervision, of school personnel, as those terms are used in Education Code section 46300. [EC§48925(b)]

3. Stipulated Expulsion

A proposed recommendation to expel presented to the Board of Education that bypasses the expulsion panel process with the agreement of the district, school and the parent/guardian.

4. Administrative Transfer

Administrative Transfer means the reassignment of a student to another school site within the District.

5. School Day, Expulsion Timeline Purposes

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As applied to the expulsion process timeline, a school day is defined as a day on which the schools of the District are in session or week days during the summer recess. [EC§48925(c)]

6 School Year

The school year begins the first day of July and ends the last day of June. [EC§37200]

7. Day

A day is a calendar day. [EC§48925(a)]

8 Student Conduct Code

The Student Conduct Code is a document which is drafted by the District. It is intended to inform students and parents about school rules and the consequences for certain behaviors.

9 Designee

- a. Throughout this Regulation, unless prohibited by law, the employee authorized to act on behalf of the District shall include his/her designee (e.g., the "designee" of the Principal or the "designee" of the Superintendent.)
- b. A "Principal's designee" is any one or more administrators at that school site specifically designated by the Principal, in writing, to assist with the discipline of students. If there is no other administrator at that school site, one, and only one, other certificated person at the school site may be specifically designated by the Principal, in writing, as a designee to assist with student discipline.
- c. When both the Principal and the designee are absent from the school site, an additional person may be designated by the Principal.
- d. The names of all persons designated as "Principal's designee" shall be on file in the Principal's office.

10. Parent

This term includes a pupil's parent/legal guardian or legal counsel.

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11. Board

This term means the Governing Board of the Folsom Cordova Unified School District.

12. County Office

This term means the Sacramento County Office of Education.

B. General Provisions

1. Grounds for Suspension/Expulsion

a. A student, including an individual with exceptional needs, shall be subject to suspension/expulsion for the causes set forth in the Education Code. This specifically includes, but is not limited to, Sections 48900, 48915, 48900.2, 48900.3, 48900.4 and 48900.7.

b. The District has developed a Student Conduct Code which more specifically lists the grounds for discipline and the range of consequences that may be imposed. This Student Conduct Code is annually reviewed by District staff and is provided to all students at the beginning of each school year.

2. Related to School Activity or School Attendance

a. No student shall be suspended/expelled unless the act is related to school activity or school attendance.

b. The act could, however, occur at any time. This includes by way of illustration and not limitation:

(1) While on school grounds; or

(2) While going to or coming from school; or

(3) During lunch period, whether on or off the campus; or

(4) During, or while going to or coming from, a school-sponsored activity. [EC§48900(p)]

3. Notification of Law Enforcement

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- a. The Principal shall, prior to the suspension/expulsion of any student, notify the local law enforcement agency of any student conduct that may have violated Penal Code Section 245 (assault with a deadly weapon or force likely to cause great bodily harm) [EC§48902(a)] and of any student conduct that may have involved the possession or sale of narcotics or of a controlled substance or a violation of Penal Code §§ 629.9 or 626.10 [EC§48902(c)]
- b. The Principal shall notify the local law enforcement agency within one (1) school day after suspension/expulsion for any act the student committed that may have violated the drug and alcohol prohibitions in Education Code §48900. [EC§48902]
- c. Whenever an employee is attacked, assaulted, or physically threatened by a student, it shall be the duty of that employee, and the duty of any person supervising the employee who has knowledge of such incident, to promptly report the occurrence to the appropriate law enforcement agency. Failure to do so is a misdemeanor. [EC§44014]

II. SUSPENSION

A. General Provisions

Suspension is typically imposed only when other means of correction have failed to bring about proper conduct. [EC§48900.5] When feasible, alternatives to suspension should be imposed against students who are tardy, truant, or otherwise absent from school activities. [EC§48900(q)] Additional requirements apply for students with disabilities. [AR§5144.1]

1. Authority to Suspend

Only certain individuals may suspend a student from class or school. These are the:

- a. Student's Teacher [EC§48910];
- b. Superintendent [EC§48911];
- c. Principal [EC§48911];
- d. District Hearing Officer
- e. Board [EC§48912].

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2. Duration

- a. The principal of the school, the principal's designee, or the superintendent of schools may suspend a pupil from the school for any reasons enumerated in Section 48900, and pursuant to Section 48900.5, for no more than five consecutive school days. [EC§48911]
- b. The total number of days for which a student may be suspended from school shall not exceed twenty (20) school days in any school year. [EC§48903]
- c. Exceptions to the twenty (20) school day limit:
 - (1) When for purposes of adjustment, a student enrolls in, or is transferred to, another regular school, an opportunity school or class, or a continuation education school or class, the student may not be suspended for more than thirty (30) school days in any school year. [EC§48903(b)] However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion [EC§48903, EC§48911, EC§48912]
 - (2) The Governing Board may suspend a pupil enrolled in a continuation school or class for a period not longer than the remainder of the semester. [EC§48912.5] (See II.D.2. below).

3. Homework and Tests

The teacher of any class from which a student is suspended may require the suspended student to complete any assignments and tests missed during the days of suspension. [EC§48913]

B. Suspension by Teacher

1. Duration

A teacher may suspend a student from his/her class as follows:

- a. Secondary teachers may suspend a student from class for the remainder of the period and for that period the following day.
- b. Secondary teachers may suspend students they have enrolled in multiple periods for the remainder of those periods that day and for those periods the following school day.

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- c. Elementary teachers may suspend students from self-contained classrooms for the remainder of the day and for the following day.
 - d. Elementary teachers teaching in non-self-contained classes may suspend a student for the remainder of the period and that period the following day. [EC§48910(a)]
 - e. Teacher suspension from a particular class shall not occur more than once every five (5) school (instructional) days. [EC§48925(d) (3)]
2. Procedure
- a. Report

The teacher shall immediately report the suspension to the Principal and send the student to the Principal for appropriate action. [EC§48910(a)]
 - b. Conference

As soon as possible, the teacher shall ask the parent of the student to attend a parent-teacher conference regarding the suspension. Whenever practical, a school counselor or school psychologist shall attend the conference. A school administrator shall attend the conference at the request of the teacher or parent. [EC§48910(a)]
 - c. Return to Class
 - (1) During the period of suspension, the student shall not be returned to the class from which he/she was suspended without the concurrence of the teacher of the class and the Principal. [EC§48910(a)]
 - (2) During the period of suspension, a student suspended from a class shall not be placed in another regular class. However, if the student is assigned to more than one class per day, this shall apply only to other regular classes scheduled at the same time as the class from which the student was suspended. [EC§48910(b)]
 - d. Suspension from School

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The teacher may also refer a student to the Principal for consideration of suspension from school for causes set forth in the Education Code (See II.C.1.). [EC§48910(c)]

3. Parental Attendance in Student's Class

a. The parent of a student suspended by a teacher for commission of an act set forth in Education Code Sections 48900(i) and/or (k) may be required to attend a portion of a school day in the classroom from which his/her child/ward was suspended. The attendance which may be required of parents pursuant to this section shall be limited to the class from which the student was suspended. [EC§48900.1]

b. The Principal shall send written notice to the parent that his/her attendance is required. The notice shall also:

(1) Tell the parent when his/her presence is expected and by what means he/she may arrange any reasonably necessary change;

(2) Describe the protections afforded to the parent as an employee under Labor Code Section 230.7. The notice should advise:

No employer shall discharge or in any way discriminate against an employee who takes time off work to attend class when requested by a school pursuant to Education Code Section 48900.1, provided the employee gives the employer reasonable advance notice that he/she is requested to appear in school. Any employee who is discharged or in any way discriminated against is entitled to reinstatement and reimbursement for lost wages and work benefits.

(3) State that if the parent does not have a means of transportation to school, he/she may ride the school bus with the student.

c. The teacher shall remind the parent to meet with the Principal after completing the classroom visit and before leaving the school premises.

C. Suspension by Principal or Superintendent

1. Duration

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Except as noted in III.A.2. below, the Principal or the Superintendent may suspend a student from school for no more than five (5) consecutive school days. [EC§48911(a)]

2. Procedure

a. Student Conference before Suspension

Suspension by the Principal or the Superintendent shall be preceded by an informal conference with the student before suspension. Whenever practical, this conference should include the teacher, supervisor or school employee who referred the student to the Principal. [EC§48911(b)]

b. Conference Requirements

At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her. The student shall also be given the opportunity to present his/her version and evidence in his/her defense. [EC§48911(b)]

3. Procedure in Emergency Situations

The Principal or the Superintendent may suspend a student without affording the student an opportunity for a conference only if the Principal or the Superintendent determines that an emergency situation exists. The term "emergency situation," as used in this section means a situation determined to constitute a clear and present danger to the lives, safety, or health of students or school personnel. [EC§48911(c)]

a. Notice

If a student is suspended without a conference prior to the suspension, the parent and student shall be notified of the student's right to a conference and the student's right to return to school for the purpose of a conference. [EC§48911(c)]

b. Conference

The conference shall be held within two (2) school days unless the student waives this right or is physically unable to attend for any reason. The conference shall then be held as soon as the student is physically able to return to school for the conference. [EC§48911(c)]

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4. Suspension Notice Requirements

a. Contact Parent

At the time of suspension, a school employee shall make a reasonable effort to contact the student's parent in person, by telephone, or email. [EC§48911(d)]

b. Written Notice to Parent

Whenever a student is suspended from school, the parent shall be notified in writing of the suspension. The notice shall, insofar as is practicable, be in the primary language of the student's parent or guardian. [EC§48911(d)]

c. Conference with Parent

The Principal or the Superintendent may request the parent of the suspended student to attend a meeting to discuss the causes, the duration, the school policy involved, and other pertinent matters.

(1) No penalties may be imposed on a student for failure of the student's parent to attend a conference with school officials.

(2) Reinstatement of the suspended student shall not be contingent upon attendance by the student's parent or guardian at such conference. [EC§48911(f)]

d. Notice to the District Hearing Officer and the Superintendent

A Principal shall report the suspension of each student, including the cause, to the District Hearing Officer, who shall report the same to the Superintendent. [EC§48911(e)]

D. Suspension by the Board

1. Duration

The Board may suspend a pupil from school for any of the acts enumerated in Education Code Section 48900 for not more than twenty (20) days. [EC §48912(a)] Under certain circumstances, a student may be suspended for (30) days. Extension of suspension pending an expulsion hearing is excluded from the maximum days of suspension. [EC§48903, EC§48911, EC§48912]

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2. Students in Continuation School

The Board has the authority to suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester for violation of any of the acts enumerated in Education Code Section 48900. The suspension shall meet the requirements of Education Code Section 48915. [EC§48912.5]

3. Procedure

a. Closed Session

When the Board is considering the suspension of a student (as with all disciplinary actions against a student), the Board will hold a closed session hearing. The Board shall hold the hearing in open session if the parent so requests in writing 48 hours after the receipt of the Board's notice. Any discussion that conflicts with any other student's right to privacy shall still be held in closed session. [EC§35146, EC§48912, EC§49073-EC§49079.

b. Written Notice

Prior written notice of the closed session hearing must be provided to the parent. [EC§48912(c)]

E. Administrative Transfer

In every case the District Hearing Officer may administratively transfer a student to another school site within the District at the conclusion of his/her suspension. In some cases, however, the District Hearing Officer must administratively transfer a student to another school site within the District at the conclusion of his/her suspension (refer to the Student Conduct Code.)

1. Duration

A student who is administratively transferred shall remain at the alternative site for, at least, the remainder of the semester in which he/she was suspended, except in the case of temporary placement pending expulsion panel hearing.

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2. Rehabilitation Plan

The student shall be assigned to an appropriate rehabilitation program as determined by the District Hearing Officer. The student shall be permitted to transfer back to his/her original site only when he/she has successfully completed the rehabilitation program.

3. Transportation

No transportation is provided to the alternative site.

4. Appeal

- a. When a transfer has been ordered by the District Hearing Officer, the parent shall have the right to request a meeting with the Assistant Superintendent of Educational Options & Accountability.
- b. The meeting shall be held within five (5) school days of the time such request is received.
- c. The review by the Assistant Superintendent of Educational Options & Accountability shall be limited to the following questions:
 - (1) Whether the offense committed was one for which the student could be transferred.
 - (2) Whether procedural requirements were complied with by the District Hearing Officer.
- d. The Assistant Superintendent of Educational Options & Accountability shall render his/her decision within two (2) school days.
- e. The decision of the Assistant Superintendent of Educational Options & Accountability regarding any appealed suspension shall be final and binding.

F. Appeal of Suspension [EC§48914)

1. Meeting with Principal

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- a. When a suspension is ordered by a teacher, the student's parent shall have the right to meet with the Principal to discuss:
 - (1) The cause and duration of the suspension;
 - (2) Relevant school policy, Board Policy, and Education Code sections;
 - (3) Other matters pertinent to the suspension.
 - b. The meeting shall be held within three (3) school days of the time such request is received.
2. Meeting with the Assistant Superintendent of Elementary Instruction, Assistant Superintendent of Secondary Instruction, or Director of Alternative Education.
- a. Procedure
 - (1) When a suspension has been ordered by a Principal, the parent shall have the right to request a meeting with the Assistant Superintendent of Elementary Instruction, Assistant Superintendent of Secondary Instruction, or Director of Alternative Education.
 - (2) The meeting shall be held within five (5) school days of the time such request is received.
 - (3) The review by the Assistant Superintendent of Elementary Instruction, Assistant Superintendent of Secondary Instruction, or Director of Alternative Education shall be limited to the following questions:
 - (a) Whether the offense committed was one for which the student could be suspended;
 - (b) Whether procedural requirements were complied with by school personnel.
 - b. Assistant Superintendent of Elementary Instruction, Assistant Superintendent of Secondary Instruction, or Director of Alternative Education's Findings

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- (1) If the Assistant Superintendent of Elementary Instruction, Assistant Superintendent of Secondary Instruction, or Director of Alternative Education determines that no offense was committed for which the student could be suspended, all records and documentation regarding the disciplinary proceedings and suspension shall immediately be destroyed, and no information regarding the meeting shall be placed in the student's permitted record on file or communicated to any person not directly involved in the disciplinary proceedings.
- (2) If procedural requirements are found not to have been met, the Assistant Superintendent of Elementary Instruction, Assistant Superintendent of Secondary Instruction, or Director of Alternative Education must reverse the suspension and remand the matter to the Principal for correction of the procedural error.
- (3) If the Assistant Superintendent of Elementary Instruction, Assistant Superintendent of Secondary Instruction, or Director of Alternative Education finds that all procedural requirements were met, and that an offense for which the student may be suspended was committed, the suspension cannot be reversed or altered.
- (4) The Assistant Superintendent of Elementary Instruction, Assistant Superintendent of Secondary Instruction, or Director of Alternative Education shall render his/her decision within two (2) school days.
- (5) The decision of the Assistant Superintendent of Elementary Instruction, Assistant Superintendent of Secondary Instruction, or Director of Alternative Education regarding any appealed suspension shall be final and binding.

III. EXPULSION

A. Procedure for Expulsion:

The act of expulsion is a very serious matter. The final decision to expel a student rests with the Board. In order that students and their parents are treated fairly and in

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accordance with their rights under the law, each of the following steps shall take place in cases where expulsion is being recommended. Additional requirements apply for students identified with exceptional needs.

1. Report sent to the District Hearing Officer

A recommendation for expulsion shall be delivered, with supporting data, to the District Hearing Officer. The recommendation shall include:

- a. Identifying information regarding the student and his/her parents;
- b. Recommendation for expulsion which includes Critical Incident Report;
- c. A chronological log of the violations and, if appropriate, actions previously taken by the school in an attempt to remedy the problem;
 - a. Records of previous suspensions, parent conferences, etc. [EC§48911(c)];
 - b. General school records;
 - c. Special education data if applicable.

2. Extension of Suspension

a. Expulsion Recommended

Where expulsion from any school, or suspension for the balance of the semester from a continuation school, is being processed by the District, the suspension may be extended until such time as the Board has rendered a decision regarding the action. Any such extension shall be in writing. [EC§48911(g)]

b. Meeting

Prior to extending the suspension, the District Hearing Officer must have a meeting in which the student and the student's parent are invited to participate. [EC§48911(g)]

c. Findings

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After considering the issues presented by the student and the student's parent, the District Hearing Officer can extend the suspension if it is determined that the student's presence at the school, or in an alternative school placement, would cause:

- (1) A danger to persons or property; or
- (2) A threat of disrupting the instructional process. [EC§48911(g)]

d. Parents Request Meeting

If the student or the student's parent has requested a meeting to challenge the original suspension, 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. [EC§48911(g)]

3. Written Notice of Expulsion Hearing

- a. The District Hearing Officer shall send an expulsion hearing notice to the student and his/her parent at least ten (10) calendar days prior to the date of the hearing. [EC§48918(b)]
- b. The written expulsion hearing notice shall include [EC§48918(b)]:
 - (1) The date and place of the hearing (set by District Hearing Officer);
 - (2) A statement of the specific facts and charges against the student;
 - (3) A copy of the District's disciplinary rules which relate to the alleged violation;
 - (4) Notice that the parent and student must, upon enrolling in a new school district, inform the new school district of the student's status with the Folsom Cordova Unified School District.
 - (5) A statement of the student's/parent's rights. These include the right to:
 - (a) Appear in person or to employ and be represented by legal counsel or by a non-attorney advisor;

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- (b) Inspect and obtain copies of all the documents to be used at the hearing;
- (c) Confront and question all witnesses who testify at the hearing;
- (d) Question all evidence presented;
- (e) Present oral and documentary evidence on the student's behalf, including witnesses;
- (f) Request a public hearing in writing at least five (5) calendar days before the date of the hearing;
- (g) Request at least one (1) postponement of the hearing for a maximum of thirty (30) calendar days.

4. Representation by Legal Counsel

Notice of a parent's intent to be represented by legal counsel shall be provided to the District at least five (5) school days prior to the expulsion hearing.

5. Postponement of the Expulsion Hearing

The time period for holding the expulsion hearing may, for good cause, be extended for an additional five (5) school days. Reasons for this postponement shall be included as a part of the record at the time the expulsion hearing is conducted. In addition, the time requirements for expulsion may be extended due to a summer recess of the Governing Board. [EC§48918(a)]

B. Folsom Cordova Administrative Hearing Panel:

1. Panel's Purpose

The Panel shall conduct the expulsion hearing and make a recommendation to the Board regarding expulsion. The Panel's recommendation will be presented to the Board by the District Hearing Officer. Final action to expel a student shall be taken only by the Board in a public session (See III.C. below.)

2. Panel Members

The Panel shall consist of at least three (3) impartial certificated employees of the District. No panel member shall be a member of the Board or employed on

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the staff of the school in which the student is enrolled. Panel members shall be selected by the District Hearing Officer from a Board approved list. [EC§48918(a)]

3. Hearing Conducted in Closed Session

- a. The Panel hearing shall be closed to the public unless the student or the student's parent requests in writing, at least five (5) calendar days prior to the date of the hearing, that the hearing be conducted at a public meeting. [EC§48918(b)]
- b. Regardless of whether the expulsion hearing is conducted at a closed or public session, the Panel shall meet in closed session for the purpose of deliberating and determining whether the student should be recommended for expulsion to the Board. [EC§48918(c)]
- c. If the Panel admits any non-member to a closed deliberation session, other than an impartial legal counsel, representatives for the student (the parent, the student, and legal counsel for the student) and representatives for the District shall also be allowed to be in attendance. [EC§48918(c)]

4. Hearing Record

The expulsion hearing shall be recorded by the District. The record may be maintained by any means, including an electronic record, so long as a reasonably accurate and complete written transcription of the proceedings can be prepared. [EC§48918(g)]

5. Rules of Evidence

- a. Technical rules of evidence shall not apply to the expulsion hearing. However, only relevant evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs will be admitted and given probative effect. [EC§48918(h)]
- b. With very limited exceptions, the evidence to expel a student cannot be based solely upon hearsay. [EC§48918(f)]
- c. The Panel may, upon a finding that 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

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may be presented at the hearing in the form of sworn declarations, which shall be examined only by the Panel and the Board. 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. [EC§48918(f) and 48918(i) (3)]

- d. The Governing Board may issue subpoenas in accordance with education. [EC§48918(i)]

6. Decision

- a. The Panel's recommendation shall be based solely upon evidence presented at the hearing. [EC§48918(f)]

- b. The Panel hearing shall be completed within five (5) school days of commencement or, if this is not practicable, without unnecessary delay.

- c. Within three (3) school days following the close of the hearing, the Panel shall determine whether to recommend expulsion to the Board. [EC§48918(e)]

- d. Recommendation Not to Expel

- (1) If the recommended decision is not to expel, the proceedings are terminated; and the student shall be immediately reinstated to a classroom, rehabilitation program, or a combination of programs. [EC§ 48918(e)]

- (2) Placement in one or more of these programs shall be made by the District Hearing Officer after consultation with school district personnel, including the student's teachers, and the student's parent or guardian. [EC§48918(e)]

- (3) The decision of the Panel not to recommend expulsion to the Board shall be final. [EC§48918(e)]

- e. Recommendation to Expel

To recommend expulsion to the Board, the Panel must find that the student engaged in conduct:

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- (1) Described in Education Code Section 48915(c) which requires expulsion; or
- (2) Described in Education Code Sections 48900, 48900.2, 48900.3, and 48900.4 and:
 - (a) Either: other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
 - (b) Or: due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others.

f. Findings of Fact [EC§48918(f)]

- (1) The Panel shall prepare findings of fact in support of their recommendation and submit these findings to the Assistant Superintendent of Educational Options & Accountability, who will present them to the Board.
- (2) The Panel's decision shall be supported by substantial evidence showing the student committed the expellable act.

g. Suspension of Expulsion Order

- (1) The Panel may also recommend to the Board that, after ordering expulsion, suspension of the enforcement of that expulsion order may be appropriate (See III.E.).
- (2) However, the final decision to suspend enforcement of any expulsion order, and the attendant conditions, shall be within the sole discretion of the Board. The Board shall not be bound by any Panel recommendation to suspend an expulsion order.

C. Board

The District Hearing Officer shall submit to the Board the Panel's findings of fact in support of a recommendation to expel.

1. Deliberations

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- a. The Board will meet in closed session to consider the Panel's recommendation to expel and to deliberate whether to accept the recommendation.
 - b. Except to argue for the right to present supplementary evidence, the parent of the student, the student, and legal counsel for the student may not be present during the deliberations of the Board.
2. Supplementary Evidence
- a. A parent may only appear before the Board to request that the Board order a supplementary hearing.
 - b. A supplementary hearing will be held before the Panel only if the Board finds that:
 - (1) The evidence suggested by the parents could not reasonably have been discovered prior to the Panel hearing; and
 - (2) A supplementary hearing should be held before the Panel to admit such evidence.
 - c. The parent must provide the District Hearing Officer with notice of their desire/need to appear before the Board for such limited purpose at least three (3) school days before the date of the Board meeting. Absent a timely written request, a parent shall have no right to appear at the Board meeting.
 - d. The parent must notify the District Hearing Officer if they will be represented by legal counsel at least three (3) school days prior to the meeting scheduled for the Board's deliberations. In such case, the Board may have District legal counsel present.
 - e. Appearance of legal counsel representing the parent or student, without prior written notice to the District Hearing Officer, will result in a refusal to allow the legal counsel to address the Board.
 - f. Any supplementary hearing shall be held according to the same rules and procedures as the original Panel hearing. Absent a written request by the student's parent for a postponement of the Board's decision, the hearing shall not affect the time period required for the Board to render an expulsion decision pursuant to Education Code Section 48918(a)

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- g. The Board may determine that holding a supplementary hearing is good cause to extend the original thirty (30) day period in which an expulsion hearing is to be held, and extend the time period by five (5) school days. [EC§48918]

3. Decision of the Board

- a. The Board's decision to expel, or not to expel, shall be made within forty (40) school days from the student's removal from school attendance. [EC§48918]

An exception to the 40-day limit shall be made if the student requests, in writing, that the decision be postponed. Requests for postponement shall be for a period of not more than thirty (30) calendar days. Additional postponement requests may be granted at the discretion of the Board.

- b. Board adoption of a recommendation to expel shall be based upon a review of the findings of fact and recommendation submitted by the Panel and upon the results of any supplementary hearing which has been ordered.

4. Written Notice of Expulsion

Written notice of the decision to expel, or a decision to expel combined with a suspension of the expulsion order, shall be sent to the student or the student's parent by the District Hearing Officer. The decision shall include notice of:

- a. The right to appeal the expulsion order to the County Board of Education within thirty (30) days of the Board's vote to expel [EC§48918(j)];
- b. The parent/student's obligation to disclose the pupil's expulsion upon enrollment in a new school district [EC§48918(j)];
- c. The program of study to which the pupil is referred during the period of expulsion [EC§48918(j)];

5. Maintenance of Records

- a. Required

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The Board shall maintain a record of each expulsion, including the cause therefore. Such records shall be non-privileged, public records. [EC§48918(k)]

- b. Records must be forwarded within five (5) days from request

The expulsion order and causes therefore shall be recorded in the student's mandatory interim record and shall be forwarded to any school in which the student subsequently enrolls upon receipt of a request from the admitting school for the student's school records. [EC§48918(k)]

D. Suspended Expulsion Orders

- 1. Duration

The Board, upon voting to expel a student, may suspend the enforcement of the expulsion order for a period of not more than one (1) calendar year. [EC§48917(a)]

- 2. Conditional Suspension of Expulsion Orders

As a condition of suspending the expulsion order, the student can be assigned to a school, class, or program which is deemed appropriate for his/her rehabilitation. [EC§48917(a)]

- 3. Probationary Status

- a. While the expulsion order is suspended, the pupil is considered to be on probation. The suspension may be revoked if the student [EC§48917(d)]:

- (1) Commits any of the expellable acts set forth in the Education Code; or
- (2) Violates any school rules; or
- (3) Violates any behavioral contract signed by the student.

- b. The determination as to whether the student has committed such an act or violation shall be made by the District Hearing Officer.

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

- c. Upon revocation of the suspension of an expulsion order by the District Hearing Officer, a student is expelled under the terms of the original order [EC§48917(d)].

4. Successful Completion of Rehabilitation

Upon satisfactory completion of the rehabilitation assignment and each of the terms and conditions of the suspended expulsion order of a student, the District shall reinstate the pupil in a school of the district. The Board may also order the expungement of any or all records of the expulsion proceedings. [EC§48917(e)]

5. County Appeal

A decision to expel, and then to suspend imposition of the expulsion order, does not affect the time period and requirements for filing an appeal with the County Board of Education. [EC§48917(f)]

E. Readmission of Expelled Students

1. Length of Expulsion

An expulsion order shall remain in effect until such time as the Board may order the readmission of a student. [EC§48916(a)]

- a. At the time an expulsion of a student is ordered, the Board shall set a date (not later than the last day of the semester following the semester in which the expulsion occurred) when the student may apply for readmission to a school maintained by the District. [EC§48916(a)]
- b. At the time an expulsion of a student is ordered pursuant to Education Code Section 48915(c), the Board shall set a date of one year from the date the expulsion occurred when the student may apply for readmission to a school maintained by the District. The Board may set an earlier date for readmission on a case-by-case basis. [EC§48916(a)]

2. Rehabilitation

The Board shall recommend a plan of rehabilitation for the pupil at the time of the expulsion order which may include, but not be limited to, periodic review as well as assessment at the time of review for readmission. The plan may also

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

include recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative service. [EC§48916(b)]

3. Procedure for Readmission

- a. A description of this readmission procedure shall be made available to the student and his/her parent at the time the expulsion order is entered. [EC§48916(c)]
- b. Requests for readmission may be submitted by the student or the student's parent to the District Hearing Officer at the time stated in the Board's expulsion order. The request shall include documentation of completion of rehabilitation plan. [EC§48916(c)]
- c. The District Hearing Officer will make a decision to readmit the student unless he/she determines that:
 - (1) The pupil has not met the conditions of the rehabilitation plan; or
 - (2) The pupil continues to pose a danger to campus safety or to other pupils or employees of the school district.
- d. Notice of the District Hearing Officer's decision will be provided to the student and his/her parent within ten (10) days of the decision.

4. Denial of Readmission

- a. If the District Hearing Officer denies readmission, the notice of decision shall describe the reasons for such denial. [EC§48916(e)]
- b. The District Hearing Officer shall make a determination either:
 - (1) To continue the placement of the pupil in the alternative educational program initially selected for the pupil during the period of the expulsion order; or
 - (2) To place the student in another program that may include, but need not be limited to, serving expelled students, including placement in a county community school. [EC§48916(d)]

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- c. The District Hearing Officer's decision may be appealed to the Governing Board.

IV. STIPULATED EXPULSIONS

A. Procedure for Stipulated Expulsion:

1. The parent/guardian is informed of the student's right to an expulsion panel hearing and is notified of the district's policies and administrative regulation governing expulsions.
2. The parent/guardian agrees that there is sufficient evidence to expel their student and the student's misconduct is expellable. The parent/guardian waives the right to appeal to the FCUSD Board of Education and the County's Board of Education.
3. The parent/guardian waive their rights:
 - a. to all notices and timelines required by law, rule or statute
 - b. to be represented by legal counsel
 - c. to inspect and obtain copies of documents which would have been used at the review
 - d. to confront and question all witnesses who would have testified at the review
 - e. to question all written evidence
 - f. to present oral and documentary evidence on the pupil's behalf, including witnesses
4. The parent/guardian understand that the terms and conditions of the rehabilitation plan must be completed in order for the student's expulsion to be ended. Furthermore, the parent/guardian understands that any violations of the order may result in further consequences, i.e., extension of the order and/or transfer to another schools site.