

**SAN LORENZO  
UNIFIED SCHOOL DISTRICT  
ADMINISTRATIVE REGULATIONS**

**Students**

AR 5144.1 (a)

**STUDENT DISCIPLINE**

I. General

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, suspension and expulsion. (Education Code [48900.1, 48980](#))

II. Definitions (Education Code 48925). All Statutory references are to Education Code unless otherwise noted:)

A. Days.

1. Day means a calendar day unless otherwise specifically provided.
2. A “school day” means a day upon which the schools of the District are in session (including during summer school) or weekdays during the summer recess.

B. District. “District” means the San Lorenzo Unified School District.

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

D. Governing Board. “Governing Board” means the Governing Board (also known as the Board of Trustees) of the District. “Governing Board” and “Board” are synonymous throughout.

E. Parent. “Parent” means a student’s parent or legal guardian.

F. Principal’s Designee. Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (Education Code [48911](#))

An additional person meeting the requirements of this subdivision may be designed by the principal, in writing, to act for the purposes of this article when both the principal and the principal's primary designee are absent from the school site. The name of the person and the names of any person or persons designated as "principal designee" shall be on file in the principal's office.

- G. Student. "Student" may include a student's parent, guardian or legal counsel or, for a disabled student, a surrogate parent if one has been appointed for purposes of individualized education plan (IEP) meetings.
- H. Student with Exceptional Needs. "Student with exceptional needs" means a student who meets the requirements of Education Code section 56026.
- I. Superintendent. "Superintendent" means the District Superintendent of Schools and/or his or her designee.
- J. Suspension. "Suspension" means removal of a student from ongoing instruction for adjustment purposes. However, "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 the 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. Removal from a particular class shall not occur more than once every five school days.
  4. Behavior management techniques called for in a disabled student's IEP.
  5. Reassignment within the requirements of a disabled student's IEP.

### III. SUSPENSION. (48900, 48900.2, 48900.3, 48900.4, 48900.7.)

- A. Grounds for Suspension. A student may be subject to suspension or expulsion when it is determined that he/she:
  1. Caused, attempted to cause, or threatened to cause physical injury to another person; or willfully used force or violence upon the person of another, except in self-defense. (Education Code [48900\(a\)](#))

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\(b\)](#))

“Firearm” means any device designed to be used as a weapon from which a projectile is expelled through a barrel by the force of any explosion or other form of combustion.

Examples of “dangerous object” include but are not limited to: air soft guns, paintball guns, B.B. guns, pellet guns, air rifles, brass knuckles, fist packs, nunchaku, sling shots, throwing stars, darts and any object likely to cause injury to person or property that has no reasonable use at school. M-80’s and Cherry Bombs are explosives.

3. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-48900 (c)
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 controlled substance, alcohol beverage, or intoxicant. (Education Code [48900\(d\)](#))
5. Committed or attempted to commit robbery or extortion.
6. Caused or attempted to cause damage to school property or private property.
7. Stole or attempted to steal school property or private property.
8. Possessed or used tobacco, or any products containing tobacco or nicotine products including, but not limited to cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products.
9. Committed an obscene act or engaged in habitual profanity or vulgarity.
10. Had unlawful possession of, or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia defined in Section 11014.5 of the Health and Safety Code.

11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
12. Knowingly received stolen school property or private property.
13. Possessed an imitation firearm. As used in this subsection, “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.
14. Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
15. 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.
16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug SOMA.
17. Engaged in, or attempted to engage in, hazing as defined in Education Code [48900\(q\)](#).
18. Making terrorist threats against school officials or school property, or both. (48900.7.) “terrorist threats” include:
  - a. Any statement, written, oral, or e-mail
  - b. By person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of \$1,000.00,
  - c. With the specific intent that the statement be taken as a threat, even if there is no intent of actually carrying it out,
  - d. Causes that person reasonably to be in sustained fear for his/her own safety or his/her immediate family’s safety, or the protection of the property of the school district, the threatened person or his/her immediate family.
19. Committed sexual harassment as defined in Education Code [212.5](#) (Education Code [48900.2](#))
20. Committed sexual harassment as defined in Education Code [212.5](#) (Education Code [48900.2](#))

21. Intentionally engaged in harassment, threats, or intimidation directed against personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonable expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of either school personnel or students by creating an intimidating or hostile educational environment. (48900.4.)
22. Sending obscene, profane, lewd, vulgar or threatening messages via e-mail, instant messages, Web pages and Web logs. Cyberbullying that is reasonably likely to create a material disruption of the school's operation, or engage in personal attacks, threats, including prejudicial or discriminatory attacks, harassing another person, or knowingly or recklessly posting false or defamatory information about a person, whether on school grounds or off campus.

B. Disruptive Acts. The following are examples of misconduct which is deemed to constitute a violation of Education Code 48900(k) Section III.A.11 specific to this policy (this list is not considered all inclusive, however).

1. Verbal abuse and/or defiance of a supervisor, teacher, administrator or other District employee engaged in the performance of his or her duties.
2. Intentionally falsifying or misrepresenting material information provided to a District employee or on District records, or altering, defacing, or destroying District records without proper authorization.
3. Gambling.
4. Hazing. As defined in Penal Code 245.6
5. Immoral behavior, possession/possession for sale of pornographic materials.
6. Leaving school without permission of school authority or being in a restricted area.
7. Violation of a governmental statute, ordinance or regulation.
8. Violation of the Dress Code, Closed Campus, Computer Use Contract, or any other District Governing Board Policy and/or school regulation.
9. Engaging in any form of communication that is obscene, libelous or slanderous.
10. Challenging, provoking or engaging in unlawful fighting.

11. Sexual harassment as defined in [Education Code 212.5](#)

12. Violation of regulations regarding possession of an electronic signaling device. See Section III.D. (page 12) and Education Code 48901.5.

C. Hate-motivated Behavior.

1. California Department of Education defines hate-motivated behavior as an act, or attempted act, motivated by hostility towards a victim's real or perceived ethnicity, national origin, immigrant status, gender, sexual orientation, religious belief, age, disability, or any other physical or cultural characteristic. Some hate-motivated behavior may also be a crime as defined in state or federal law. These crimes include, but are not limited to: bomb threats, cross burnings, destruction or defacement of property, and certain types of vandalism and assaults.

2. 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 class work, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment (Education Code [48900.4](#))

D. Electronic Signaling Devices. (48901.5.) No student shall possess or use any electronic signaling device that operates through the transmission or receipt of radio waves including, but not limited to, paging and signaling equipment while on campus, while attending any school-sponsored activity or while under the supervision and control of District employee(s). No student is prohibited from possessing or using an electronic signaling device that is determined by a licensed physician and surgeon to be essential for the health of a student and use of which is limited for purposes related to the health of the student. Unlawful possession of an electronic signaling device may be grounds for suspension if the student is notified in advance that possession is prohibited.

E. Acts Related to School Activity or Attendance. (48900 and 48915.) No student shall be suspended or expelled for any of the acts enumerated unless such act is related to school activity or school attendance. A student may be suspended or expelled for acts that occur at any time including, but not limited to, any of the following:

1. While on school grounds;
2. While going to or coming from school;
3. During the lunch period, whether on or off campus;
4. During, or while going to or coming from, a school sponsored activity; or,

5. While on any other school's grounds.

F. Truancy/Absences. Alternatives to suspension or expulsion shall be used with students who are truant, tardy, or otherwise absent from assigned school activities.

G. Teacher Suspension. (48910.)

1. A teacher may suspend a student from the teacher's class for any of the acts enumerated in Section III.A. (pages 4, 5, 6, 7, 8, 9) or Education Code 48900, for the remainder of the class period and the class period the following day.
2. When removing a student from his/her 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. The student shall be appropriately supervised during the class periods from which he/she has been removed. As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. 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. A student removed from class shall not be returned to class during the period of removal without the approval of the teacher of the class and the principal.
3. A student removed from class shall not be placed in another regular class during the period of removal. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was removed.
4. The student shall not be returned to the class from which he or she was suspended during the period of the suspension without the concurrence of the teacher of the class and the principal or the principal's designee.
5. A teacher may also refer a student for any of the acts enumerated in Section III.A. (pages 4, 5, 6, 7, 8, 9) or Education Code 48900 to the principal or the principal's designee for consideration of a suspension from school.

H. Attendance of Suspended Child's Parent for Portion of School Day.

(48900.1.)

1. Pursuant to Board policy, a teacher may provide that the parent/guardian of a student whom the teacher has removed attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law. (Education Code 48900.1)

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date
3. State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student
4. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1

I. Imposition of Suspension - Suspension also may be imposed upon a first offense if the Superintendent, principal or designee determines that the student violated items #1-5 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5) However, a student, including an individual with previously identified exceptional needs, may be suspended upon the first offense if the principal or superintendent determines that the student Violated subdivision 1,2,3,4, or 5 of Section III.A. (pages 4, 5, 6, 7, 8, 9) or upon a first offense for any of the reasons enumerated in Section III.A. (pages 4, 5, 6, 7, 8, 9).

J. Maximum Number of Days of Suspension.

1. Length of Suspension. (48911.) The Superintendent, principal or principal's designee may suspend a student from school for not more than five consecutive school days unless the suspension is extended pending expulsion.

Principal or the principal's designee shall report such suspension to the Superintendent including the cause thereof. If the circumstances warrant a longer suspension, or possible expulsion, the principal shall recommend that action to the Superintendent or Superintendent's designee.

2. Maximum Number of Days Per Year.  
A student may be suspended from school for not more than 20 school days in any school year, unless for purposes of adjustment the student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion.

K. Principal and Superintendent Suspension. (48911.)

1. Immediate Suspension. (48915(c).) The Superintendent or designee shall immediately suspend any student found at school or at a school activity to be:

- a. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
  - b. Brandishing a knife at another person. "Knife" means (1) any dirk, dagger or other weapon with a fixed, sharpened blade fitted primarily for stabbing; (2) a weapon with a blade fitted primarily for stabbing; (3) a weapon with a blade longer than 3-1/2 inches; (4) a folding knife with a blade that locks into place or (5) a razor with an unguarded blade. Education Code [48915\(g\)](#)
  - c. Unlawfully selling a controlled substance listed in Health and Safety Code [11053-11058](#)
  - d. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
  - e. Possession of an explosive as defined in 18 USC [921](#)
2. Informal Conference: Suspension shall be preceded by an informal conference conducted by the principal, designee, or the Superintendent 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 and the evidence against him/her; the student shall be given the opportunity to present his/her version and evidence in support of his/her defense.
  3. Emergency Suspension. The Informal Conference may be omitted if the principal, designee, or the Superintendent determines that an emergency situation exists. An emergency situation involves 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 a conference. 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 case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)
  4. Notice to Parent/Guardian. At the time of suspension, a school employee shall make a reasonable effort to contact the student's parent/guardian in person or by telephone. Whenever a student is suspended from school, the parent shall be notified in writing of the suspension. Within two school days of the beginning of a suspension, a school employee shall mail a notice to the suspended pupil's parent/guardian. The notice shall contain each of the following:

- a. A statement of the facts leading to the decision to suspend.
  - b. The date and time when the student will be allowed to return to school and attend school functions.
  - c. All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the misbehavior. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee.
  - d. A statement of the parent's or student's right to have access to the student's records.
  - e. In addition, the notice may state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.
5. Report of Suspension. A school employee shall report the suspension of the student, including the cause therefore, to the Superintendent.
  6. Parent's Duty. The parents/guardians are required to respond without delay to a request for a conference about a student's behavior, 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 readmission solely because the parent/guardian failed to attend. (Education Code 48911)
  7. Parent/Guardian Conference: Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved and any other pertinent matter. (Education Code 48914)
  8. Completion of Assignment. (48913.) The teacher of any class from which a student is removed may require the student to complete any assignments and tests missed during the removal.
  9. Extension of Suspension.
    - a. Non-Disabled Students. (48911(g).) In a case where expulsion from any school or suspension for the balance of the semester from continuation school is being processed by the Governing Board, the Superintendent or other person designated by the Superintendent in writing may extend the suspension until such time as the Governing Board District has rendered a decision in the action.

If a student or the student's parent has required a meeting to discuss the original suspension, the Superintendent may determine at that meeting whether to extend the suspension.

An extension may be imposed only if the Superintendent or designee has determined, following a meeting to which the student and the student's parent are invited to participate, that the presence of the student at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process.

L. Suspension by the Governing Board. (48912.)

1. Length of Suspension. The Superintendent, principal or principal's designee may suspend a student from school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)
2. Closed Session. When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold closed sessions 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)
3. Notice to Parents of Closed Session The Board shall provide the student and his/her parent/guardian with written notice of the closed session by certified mail. 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)

Unless the student or the student's parent shall, in writing, within 48 hours after receipt of the written notice of the Board's intention, request that the hearing be held as a public meeting, the hearing to consider these matters shall be conducted by the Board in closed session. If a written request is served upon the Clerk or Secretary of the Board, the meeting shall be public, except that any discussion at that meeting which may be in conflict with the right to privacy of any student other than the student requesting the requesting the public meeting, shall be in closed session.

4. Suspension from Continuation School. The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts listed in "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

M. Supervised Suspension Classrooms. (48911.1.)

Students for whom an expulsion action has not been initiated and who pose no imminent danger or threat to the school may be assigned to a separate, supervised suspension classroom for the entire period of suspension. The following conditions shall apply: (Education Code [48911.1](#))

1. The supervised suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. Each 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 a supervised 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 shall be made in writing. (Education Code [48911.1](#))

N. Community Service Alternatives to Suspension or Expulsion. The Superintendent or principal may use his/her discretion to provide alternatives to suspension or expulsion for a student subject to discipline under this administrative regulation, including, but not limited to, counseling and an anger management program. (Education Code 48900(r))

O. Expulsion from District Property/Activities. During the Period of a suspension, the student shall not enter school grounds and shall not attend any District or school sponsored activities or events.

IV. EXPULSION.A. Recommendations for Expulsion. (48900, 48915.)

1. Mandatory Recommendation. (48915(c).) A principal or the Superintendent shall immediately suspend, and shall recommend to the Governing Board to expel, a student that he or she determines has committed any of the following acts at school or at a school activity off school ground.

- a. Possessing, selling or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the student had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the principal's designee. This subdivision applies to an act of possessing a "firearm" only if the possession is verified by an employee of the District.
  - b. Brandishing a knife at another person. (as defined in Education Code [48915\(g\)](#))
  - c. Unlawfully selling a controlled substance listed in Health and Safety Code [11053-11058](#)
  - d. Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
  - e. Possession of an explosive as defined in 18 USC 921.
2. Mandatory Recommendation for Expulsion. (48915(a).) A principal or the Superintendent shall recommend a student's expulsion for any of the following acts, unless the principal or Superintendent find that expulsion is inappropriate due to the particular circumstances:
- a. Causing serious physical injury to another person, except in self defense.
  - b. Possession of any knife, explosive, or other dangerous object of no reasonable use to the student. (See Education Code 48915 (g).)
  - c. Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053 - 11058) of Division 10 of the Health and Safety Code, except for the first offense of the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
  - d. Robbery or extortion.
  - e. Assault or battery, as defined in Section 240 and 242 of the Penal Code, upon any school employee.

B. Governing Board Action on Expulsion Recommendation.

1. Mandatory Expulsion. (48915(c).) The Governing Board shall order a student expelled upon finding that the student committed an act listed in Section IV.A.1. (Relating to firearms, brandishing a knife, sale of controlled substances and sexual assault and battery.
2. Authority to Expel. The Board may also order a student expelled for any of the acts listed above under "Grounds for Suspension and Expulsion" upon recommendation by the principal, Superintendent, hearing officer or administrative panel, based on either or both of the following finding(s): (Education Code 48915(b) and (e))
  - a. Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
  - b. Due to the nature of the act, the presence of the student causes a continuing danger to the physical safety of the student or others.
3. Educational Program Requirements for Expelled Students. After ordering the expulsion of a student, the Governing Board shall address the educational program requirements.

C. Procedures for Students Not Yet Eligible for Special Education Services - See AR. 5144.2D. Notification of Law Enforcement Authorities. (48902.)

1. 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)
2. 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)
3. 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 or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10. (Education Code 48902)
4. The willful failure to make any report required by this section is an infraction punishable by a fine of not more than \$500, to be paid by the principal or principal's designee required to make the report.

E. Procedure for Expulsion. (48918.) (See Section IV.E.17 for Special Procedures for cases of sexual Assault or Battery- pages 46, 47 & 48.)

1. 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. (Education Code 48911(g))

Any extension of the original period of suspension shall be 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. Extension of the suspension may be made only if 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)

2. The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the principal or Superintendent or designee determines that one of the acts listed under "Grounds for Suspension and Expulsion" has occurred. (Education Code [48918\(a\)](#))

The student is entitled to 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 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\(a\)](#))

3. Written Notice of Hearing. Written notice if the hearing shall be forwarded to the student at least 10 calendar days prior to the date of the hearing. The notice shall include:
  - a. The date and place of the hearing.
  - b. A statement of the specific facts and charges upon which the proposed expulsion is based.
  - c. A copy of the disciplinary rules of the District that relate to the alleged violation.
  - d. 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).
  - e. 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 advisor. 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 advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case, and has been selected by the student or student's parent/guardian to provide assistance at the hearing.
  - f. The right to inspect and obtain copies of all documents to be used at the hearing.
  - g. The opportunity to confront and question all witnesses who testify at the hearing.
  - h.. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.
4. Student's Rights to Waive Hearing. The Student and the student's parent shall be afforded the opportunity, at their discretion, to waive any and all of their due process rights relative to an expulsion recommendation, including, but not limited to, the right to a hearing to determine whether the student committed the offense(s) with which s/he has been charged.

If the student and/or the student's parent requests a waiver of any of their rights, the consequences of such a waiver shall be thoroughly explained to them by the District prior to entering into a waiver agreement.

5. Hearing in Closed Session. 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 request is made, the meeting shall be public unless another student's privacy rights would be violated. (Education Code [48918\(c\)](#)) 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 shall also be allowed to attend the closed session.
6. Alternative to Board Hearing. In lieu of conducting an expulsion hearing itself, the Governing Board may contract with the County hearing officer, or with the California Office of Administrative Hearings, for a hearing officer to conduct the hearing. The Governing Board may also appoint an impartial administrative panel of three or more certificated persons, none of whom are members of the Governing Board or employed on the staff of the school in which the student is enrolled. The hearing shall be conducted in accordance with all of the procedures established under this section. If the hearing officer or administrative panel admits any other person to a closed deliberation session, the parent of the student, the student, and the counsel of the student shall also be allowed to attend the closed deliberations.
7. Evidence at the Hearing.
  - a. 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
  - b. Findings of fact made by the Board or a hearing panel must not be based on hearsay alone. Hearsay is evidence of an oral or written statement made by a person who is not present at the hearing which is offered to establish a fact as being true. Some exceptions to the hearsay rule exist under the Evidence Code and Education Code; legal counsel should advise the district when appropriate. Findings of fact shall be based solely on the evidence at the hearing. While no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or

testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f)) 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. Note: Education Code 48918.6 provides that testimony by a student witness at an expulsion hearing is privileged and thus protected from liability for defamation pursuant to Civil Code 47(b).

- c. If the student, parent, or representative of the student fails to object at the hearing that these rules are not being properly followed, or that any other law or requirement of due process is not being followed, the objections shall be deemed waived.

#### 8. Subpoena Power.

- a. 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 the Code of Civil Procedure [1985-1985.2](#) and enforced in accordance with Government Code [11455.20](#) (Education Code [48918\(i\)](#))
- b. Any objection raised by the Superintendent of Schools or the Superintendent's designee or the pupil to the issuance of subpoenas may be considered by the Governing Board in closed session, or in open session, if so requested by the pupil before the meeting. Any decision by the Governing Board in response to an objection to the issuance of subpoenas shall be final and binding. (Education Code [48918\(i\)](#))
- c. 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\(i\)](#))

- d. In accordance with the Code of Civil Procedure [1987](#), the subpoena must be served at least 10 days before the time required for attendance unless the court prescribes a shorter time. Unless they are parties to the hearing or are district or government employees, witnesses who appear pursuant to a subpoena receive fees equal to those prescribed for witnesses in civil actions in a superior court, and all witnesses other than the parties to the hearing receive mileage; these fees and mileage must be paid by the party requesting the subpoena.
9. Record of the 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\(g\)](#))
  10. Recommendation by Panel or Hearing Officer.
    - a. 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.
    - b. If expulsion is not recommended, the student shall be immediately reinstated. The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers and with the student's parent/guardian. (Education Code [48918\(e\)](#))

Placement in one or more of these programs shall be made by the Superintendent after consultation with District personnel, including the student's parent. The decision not to recommend expulsion shall be final.
    - c. If the hearing officer or administrative panel recommends expulsion, findings of fact in support of the recommendation shall be prepared and submitted to the Governing Board. All findings of fact and recommendations shall be based solely on the evidence adduced at the hearing.
  11. Governing Board Decision.
    - a. A decision of the Governing Board whether to expel a student shall be made within (10) school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed. If the hearing is held by a hearing officer or an administrative panel or if the Governing Board does not meet on a weekly basis, the Governing Board shall make its decision about a student's expulsion within (40)

school days after the date of the student's removal from his or her school of attendance for the incident for which the recommendation for expulsion is made by the principal or the Superintendent, unless the student requests in writing that the decision be postponed.

- b. The decision of the Governing Board to expel a student shall be based upon substantial evidence, relevant to the charges and showing that the student committed any of the acts enumerated in Section III.A., adduced at the expulsion hearing or hearings.
  - c. If the Governing Board accepts the recommendation of a hearing officer or administrative panel calling for expulsion, acceptance shall be based either upon a review of the findings of fact and recommendation submitted by the hearing officer or panel or upon the results of any supplementary hearing conducted pursuant to this section that the Governing Board may order.
12. Rehabilitation Plan. The Governing Board shall recommend a plan of rehabilitation for the student at the time of the expulsion order, which may include, but not be limited to, periodic review as well as assessment at the time of review for readmission. The plan may also include recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs.
13. Suspension of Order to Expel; rehabilitation program; expungement of records; filing of appeal. (48917.)
- a. The Governing Board, upon voting to expel a student, may suspend the enforcement of the expulsion order for a period of not more than one calendar year (12 calendar months) and may, as a condition of the suspension of enforcement, assign the student to a school, class, or program that is deemed appropriate for the rehabilitation of the pupil may provide for the involvement of the pupil's parent or guardian in his or her child's education in ways that are specified in the rehabilitation program. A parent or guardian's refusal to participate in the rehabilitation program shall not be considered in the Governing Board's determination as to whether the pupil has satisfactorily completed a rehabilitation program.
  - b. The Governing Board shall apply the criteria for suspending the enforcement of the expulsion order equally to all pupils, including individuals with exceptional needs as defined in Section 56026.
  - c. During the period of the suspension of the expulsion order, the pupil is deemed to be on probationary status.

- d. The Governing Board may revoke the suspension of an expulsion order under this section if the pupil commits any of the acts enumerated in Section 48900 or violates any of the district's rules and regulations governing pupil conduct. When the Governing Board revokes the suspension of an expulsion order, a pupil may be expelled under the terms of the original expulsion order.
  - e. Upon satisfactory completion of the rehabilitation assignment of a pupil, the Governing Board shall reinstate the pupil in a school of the district and may also order the expungement of any or all records of the expulsion proceedings.
  - f. A decision of the Governing Board to suspend an expulsion order does not affect the time period and requirements for the filing of an appeal of the expulsion order with county Board of Education require under Section 48919. Any appeal shall be filed within 30 days of the original vote of the Governing Board.
14. Final Action in Public Session. Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel, the final action to expel shall be taken by the Board at a public meeting. (Education Code [48918\(j\)](#))
15. Written Notice of expulsion Decision. 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:
- a. The specific offense committed by the student for any of the causes for suspension or expulsion listed in Education Code [48900](#), [48900.2](#), [48900.3](#), [48900.4](#), [48900.7](#), or 48915 (Education Code [48900.8](#))
  - b. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code [48916](#))
  - c. Notice of the right to appeal the expulsion to the County Board of Education (Education Code [48918](#))
  - d. .Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code [48918](#))
  - e. 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](#))

16. Record of Expulsion. The Governing Board shall maintain a record of each expulsion including the cause. Records of expulsions shall be a non-privileged, disclosable public record. The expulsion order and the cause(s) 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.
  
17. Special Procedures for Cases of Sexual Assault or Battery. (48918 and 48918.5.)
  - a. In a hearing in which a student is alleged to have committed or attempted to commit a sexual assault, or have committed a sexual battery, as defined in Section III.A.14 (see page 7), a complaining witness shall be given (5) day's notice prior to being called to testify, and shall be entitled to have up to two adult support persons present during his or her testimony. Prior to a complaining witness testifying support person(s) shall be admonished that hearing is confidential.
  
  - b. 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))
  
  - c. At the time the expulsion hearing is recommended, the complaining witness shall be provided with a copy of applicable disciplinary rules and advised of his or her right to:
    - (1) receive five days' notice of his or her scheduled testimony at the hearing;
  
    - (2) have up to two adult support persons of his or her choosing present at the hearing at the time he or she testifies;
  
    - (3) have the hearing closed during the time he or she testifies.
  
  - d. The expulsion hearing may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness.

e. 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

d. Evidence of specific instances of a complaining witness' prior sexual conduct is to be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances exist requiring the evidence be heard.

e. Before such a determination is made, the complaining witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of such evidence, the complaining witness shall be entitled to be represented by a parent, guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

f. Complaining witnesses and accused students will be advised immediately after any allegation is made of conduct violating Section III.A.14. (see page 7) to refrain from personal or telephonic contact with each other during the pendency of any expulsion process.

F. Educational Program Requirements for Expelled Student. (48915(d), (f); 48915.2; 48916.1.)

Education Code 48915 requires the Board to refer all expelled students to a program of study that is prepared to accommodate students with discipline problems and that is not located at the school the student currently attends or at any regular elementary, middle, junior, or senior high school. However, students expelled for the less serious acts described in Education Code 48900(f) through (q) or Education Code 48900.2, 48900.3, or 48900.4 may be referred to a program of study that is at another elementary, comprehensive middle, junior, or senior high school if the County Superintendent of Schools certifies that an alternative program is not available at a site away from such a school.

Education Code 48915.01 states that if the Board has established a community day school pursuant to Education Code 48661 on the same site as an elementary, comprehensive middle, junior or senior high school, expelled students may be referred to the community school at that site. Although Education Code 48663 prohibits the use of independent study in community day schools, Education Code 48916.1 does not in any way restrict the district from offering independent study as a voluntary alternative placement option for expelled students.\*\*\*

G. Readmission After Expulsion. (48916.)

1. Duration of 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 an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on 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 the 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)

2. Procedure for Readmission.

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 re-admission.
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)

#### H. Appeal to the County Board of Education.

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

2. Required Records. (48919, 48921.) The student shall submit a 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 of Education. The District shall provide the student with the transcriptions, supporting documents, and records within five (5) school days following the student's request. The student shall immediately file suitable copies of these records with the County Board of Education.

It shall be the student's responsibility to submit a written transcription for review by the County Board of Education. The cost of the transcription shall be borne by the student except in either of the following situations:

- a. Where the student's parent certifies to the District that s/he cannot reasonably afford the cost of the transcript because of limited income or exceptional necessary expenses, or both.
  - b. In a case in which the County Board of Education reverses the decision of the Governing Board, the County Board shall require the Governing Board to reimburse the student for the cost of the transcription.
3. Time for Hearing and Decision. (48919.) The County Board of Education shall hold the hearing within 20 school days following and filing of a formal request under this section and shall render a decision within three (3) school days of the hearing, unless the student requests a postponement.
  4. Grounds for Review. (48922.) The review by the County Board of the following questions:
    - a. Whether the Governing Board acted without or in excess of jurisdiction. 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 regulation, a situation where an expulsion order is not based upon the acts enumerated in Section III.A. (see pgs. 4, 5, 6, 7, 8, 9), or a situation involving acts not related to school activity or attendance.
    - b. Whether there was a fair hearing before the Governing Board.
    - c. Whether there was a prejudicial abuse of discretion in the hearing. The County Board of Education may not reverse the decision of the Governing Board to expel a student on a finding of an abuse of discretion unless the County Board of Education also determines that the abuse of discretion was prejudicial. An abuse of discretion is established in any of the following situations:



7. Notice of Decision. The student and the Governing Board shall be notified of the final order of the County Board, in writing, either by personal service or by certified mail. The order shall become final when rendered.
- I. Community Service Alternative. (48900.6.) As an alternative to expulsion, the Governing Board, the Superintendent, the principal or designee may require the student to perform community service on school grounds during non-school hours. "Community service" may include, but is not limited to; work performed on school grounds in the areas of outdoor beautification, campus betterment, and teacher or peer assistance programs. The section does not apply if expulsion is required by the Education Code.
- J. Graduating Students. A student who has been recommended to the Governing Board for expulsion may not participate in his/her graduation ceremony or graduation-related activities scheduled prior to the completion of the expulsion process, without the prior approval of the Superintendent. The Superintendent may deny the student's participation only upon first determining that the presence of the student at the ceremony or related activities would cause a danger to persons or property or be disruptive.
- K. Notification of Subsequent School district. (48915.1(b).) When a student is expelled from the District for an offense other than those listed in subdivision (a) or (c) of Section 48915, the student's parent, or the student if emancipated or legally of age, shall inform any subsequent school district, upon enrollment, of the student's status with the District. If this information is not provided to the subsequent school district and the subsequent district later determines the student was expelled from this District, the lack of compliance with this section shall be recorded and discussed in the hearing required for enrollment, described in Section V. (see pages 57 & 58).

V. ENROLLMENT OF STUDENTN EXPELLED FROM ANOTHER DISTRICT.

- A. The following options may be considered by the Governing Board when making its determination whether to enroll an individual who has been expelled from another school district:
  1. Deny enrollment.
  2. Permit enrollment.
  3. Permit conditional enrollment in a regular school program or other educational program.

The Governing Board may decide to deny enrollment after a determination has been made that the individual poses a potential danger to either the student or employees of the District. In the case of an individual expelled from another school district for an act described in subdivision (a) or (c) of Section 48915, the Governing Board may permit the individual to enroll in the District after the term of the expulsion only if it determines the student does not pose a danger to either the students or employees of the District and either: (1) he or she has established legal residence in the District pursuant to Section 48200, or (2) he or she is enrolled in the District pursuant to an inter-district attendance agreement pursuant to Sections 46600 et seq.

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