



LUSD
Expulsion Manual
2014-15

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Lammersville USD

Board Policy

Conduct

BP 5131

Students

The Governing Board believes that all students have the right to be educated in a positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, while going to or coming from school, while at school activities, and while on district transportation.

(cf. 5131.1 - Bus Conduct)

Conduct is considered appropriate when students are diligent in study, careful with school property, courteous, and respectful toward their teachers, other staff, students, and volunteers.

The Superintendent or designee shall ensure that each school site develops standards of conduct and discipline consistent with district policies and administrative regulations. Students and parents/guardians shall be notified of district and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others
(cf. 0450 - Comprehensive Safety Plan)
(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5136 - Gangs)
(cf. 5142 - Safety)
2. Conduct that disrupts the orderly classroom or school environment
(cf. 5131.4 - Student Disturbances)
3. Harassment of students or staff, including bullying, intimidation, so-called "cyberbullying," hazing or initiation activity, ridicule, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause bodily harm or emotional suffering

Cyberbullying includes the posting of harassing messages, direct threats, social cruelty, or other harmful text or images on the Internet, social networking sites, or other digital technologies, as well as breaking into another person's account and assuming that person's identity in order to damage that person's reputation or friendships.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

4. Damage to or theft of property belonging to students, staff, or the district

(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 5131.5 - Vandalism, Theft and Graffiti)

5. Possession or use of laser pointers on school premises, unless used for a valid instructional or other school-related purpose, including employment (Penal Code 417.27)

Prior to bringing a laser pointer on school premises, students shall first obtain permission from the principal or designee. The principal or designee shall determine whether the requested use of the laser pointer is for a valid instructional or other school-related purpose.

6. Use of profane, vulgar, or abusive language
(cf. 5145.2 - Freedom of Speech/Expression)

7. Plagiarism or dishonesty in school work or on tests
(cf. 5131.9 - Academic Honesty)
(cf. 6162.54 - Test Integrity/Test Preparation)
(cf. 6162.6 - Use of Copyrighted Materials)

8. Inappropriate attire
(cf. 5132 - Dress and Grooming)

9. Tardiness or unexcused absence from school
(cf. 5113 - Absences and Excuses)
(cf. 5113.1 - Truancy)

10. Failure to remain on school premises in accordance with school rules
(cf. 5112.5 - Open/Closed Campus)

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or receive a report of a violation of these standards, to immediately intervene or call for assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or administrator for further investigation.

Students who violate district or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs in accordance with Board policy and administrative regulation, and contact with local law enforcement as appropriate.

(cf. 1020 - Youth Services)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6020 - Parent Involvement)
(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

Students also may be subject to discipline in accordance with law, Board policy, and administrative regulation for any off-campus conduct during non-school hours which poses a threat or danger to the safety of students, staff, or district property or disrupts the orderly delivery of the educational program.

Possession of Cellular Phones and Other Mobile Communications Devices

No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to health-related purposes. (Education Code 48901.5)

Students may possess but not use during school hours personal electronic signaling devices including, but not limited to, pagers, beepers, and cellular/digital telephones, as well as other mobile communications devices including, but not limited to, media players, compact disc players, portable game consoles, cameras, digital scanners, and laptop computers.

If a disruption occurs or a student uses any mobile communications device for improper activities, a school employee may direct the student to turn off the device and/or shall confiscate it. If a school employee finds it necessary to confiscate a device, he/she may return it at the end of the class period or school day.

A student who violates this policy may be prohibited from possessing a mobile communications device at school or school-related events and/or may be subject to discipline in accordance with Board policy and administrative regulation.

Bullying/Cyberbullying

The Board desires to prevent bullying by establishing a positive, collaborative school climate and clear rules for student conduct.

(cf. 5137 - Positive School Climate)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6164.2 - Guidance/Counseling Services)

The district may provide students instruction in the classroom or other school settings that promotes communication, social skills, and assertiveness skills and may involve parents/guardians, staff, and community members in the development of strategies to prevent and respond to bullying.

(cf. 1220 - Citizen Advisory Committees)

School staff may receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies. Parents/guardians and students also may be provided with similar information.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Students may submit a verbal or written complaint of conduct they consider to be bullying to a teacher or administrator and may also request that their name be kept in confidence. The Superintendent or designee may establish other processes whereby students may submit anonymous reports of bullying. Complaints of bullying or harassment shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

When a student is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff or to threaten district property, the investigation shall include documentation of the activity, identification of the source, and a determination of the impact or potential impact on school activity or school attendance. Students shall be encouraged to save and print any messages sent to them that they feel constitutes cyberbullying and to notify a teacher, principal, or other employee so that the matter may be investigated.

Cyberbullying conducted using district-owned equipment or on school premises, as well as off-campus cyberbullying that impacts school activity or school attendance, may be subject to discipline in accordance with district policies and regulations. If the student is using a social networking site or service that has terms of use that prohibit posting harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

(cf. 5145.12 - Search and Seizure)

(cf. 6163.4 - Student Use of Technology)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32261 Bullying

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students

48900-48925 Suspension or expulsion, especially:

48908 Duties of students

51512 Prohibition against electronic listening or recording device in classroom without permission

CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

PENAL CODE

288.2 Harmful matter with intent to seduce

313 Harmful matter

417.25-417.27 Laser scope

647 Use of camera or other instrument to invade person's privacy; misdemeanor

647.7 Use of camera or other instrument to invade person's privacy; punishment

653.2 Electronic communication devices, threats to safety

VEHICLE CODE

23124 Use of cellular phones provisional license holders

CODE OF REGULATIONS, TITLE 5

300-307 Duties of pupils

UNITED STATES CODE, TITLE 42

2000h-2000h6 Title IX, 1972 Education Act Amendments

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

COURT DECISIONS

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

LaVine v. Blaine School District, (2000, 9th Cir.) 257 F.3d 981

Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088

Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675

Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503

Management Resources:

CSBA PUBLICATIONS

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Digital Discipline: Off-Campus Student Conduct, the First Amendment and Web Sites, School Law in Review, 2001

NATIONAL SCHOOL SAFETY CENTER PUBLICATIONS

Bullying in School: Fighting the Bullying Battle, 2006

WEB SITES

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

California Cyber safety for Children: <http://www.cybersafety.ca.gov>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ls/ss>

Center for Safe and Responsible Internet Use: <http://cyberbully.org>

National School Boards Association: <http://www.nsba.org>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education: <http://www.ed.gov>

Policy LAMMERSVILLE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2008 Mountain House, California

Lammersville USD

Board Policy

Discipline

BP 5144

Students

The Governing Board desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, effective classroom management and parent involvement can minimize the need for discipline. Staff shall use preventative measures and positive conflict resolution techniques whenever possible.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5137 - Positive School Climate)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)
(cf. 6020 - Parent Involvement)

Board policies and regulations shall delineate acceptable student conduct and provide the basis for sound disciplinary practices. Each school shall develop disciplinary rules to meet the school's individual needs.

(cf. 5131 - Conduct)
(cf. 5131.1 - Bus Conduct)

When misconduct occurs, staff shall implement appropriate discipline and attempt to identify and address the causes of the student's behavior. Continually disruptive students may be assigned to alternative programs or removed from school in accordance with law, Board policy and administrative regulation. At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515 - Campus Security)
(cf. 3515.3 - District Police/Security Department)
(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 4158/4258/4358 - Employee Security)
(cf. 5136 - Gangs)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6164.5 - Student Success Teams)
(cf. 6159.4 - Behavioral Interventions for Special Education Students)
(cf. 6184 - Continuation Education)
(cf. 6185 - Community Day School)

Staff shall enforce disciplinary rules fairly, consistently and without discrimination.

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

(cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee shall provide professional development as necessary to assist staff in developing classroom management skills and implementing effective disciplinary techniques.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Legal Reference:

CIVIL CODE

1714.1 Parental liability for child's misconduct

EDUCATION CODE

32280-32288 School safety plans

35146 Closed sessions

35291 Rules

35291.5-35291.7 School-adopted discipline rules

37223 Weekend classes

44807.5 Restriction from recess

48900-48926 Suspension and expulsion

48980-48985 Notification of parents or guardians

49000-49001 Prohibition of corporal punishment

49330-49335 Injurious objects

CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus

353 Detention after school

Management Resources:

CSBA PUBLICATIONS

Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1999

CDE PROGRAM ADVISORIES

1010.89 Physical Exercise as Corporal Punishment, CIL 89/9-3

1223.88 Corporal Punishment, CIL: 88/9-5

WEB SITES

CDE: <http://www.cde.ca.gov>

USDOE: <http://www.ed.gov>

Policy LAMMERSVILLE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2008 Mountain House, California

WAIVER FOR NOT REFERING FOR EXPULSION

TO: Khushwinder Gill, Assistant Superintendent
FROM: *Your Name, Vice Principal, Your School*
DATE:

SUBJECT: Expulsion Inappropriate

RE: *John Doe*

Parents: Mr. & Mrs. Doe

Birthdate:

Address: _____

Age: _____ Grade: _____ Phone: _____ Email: _____

On DATE, John Doe was suspended from school for ** (***) school days for violation of Education Code 48900, subsection:

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

On DATE, John Doe had in his possession on school campus a Swiss Army Knife containing a knife blade 2 ½” in length. A supervision aide brought John to the office that day during lunch. John was getting something out of his backpack and the aide spotted the knife. She asked John for the knife and he willingly gave it to her. I spoke with John and he said he had forgotten it was in his backpack because he had taken his backpack on a camping trip over the weekend. At a face-to-face conference held with Mr. Doe on DATE the incident was discussed fully. Mr. Doe confirmed the camping trip the previous weekend. Mr. Doe and John both understood the seriousness of having a dangerous object on campus. Mr. Doe assured me that he would discuss this issue further at home.

John is a good student with no other referrals this school year. It is in my opinion that a recommendation for expulsion for John would not be appropriate in view of the fact that:

1. The knife was never brandished or used in any threatening manner.
2. The knife was not brought to school for protection.
3. John did not show the knife to any students, nor did he ever remove it from his backpack.
4. John was unaware that the knife was in his backpack and he cooperated fully with the school during the investigation.

SUMMARY OF TIME REQUIREMENTS IN EXPULSION PROCEEDINGS

| | |
|--|---|
| Determination of Conduct in Violation of E.C. 48900 | Day one |
| Suspension | Not more than five (5) school days (E.C. 48911) |
| Recommendation for Expulsion/ Extension of Suspension | (E.C. 48915) within the five (5) school days of suspension/extension pending decision on expulsion. (E.C. 48911.g) |
| Pre-expulsion Meeting | Within the five (5) school days of suspension |
| Manifestation Determination Meeting for Special Education Students | Within the five (5) school days of suspension before the pre-expulsion meeting |
| Notice of Hearing | At least ten (10) calendar days prior to hearing (E.C. 48918.b) |
| Pupil Request for Open Hearing | Within five (5) calendar days preceding hearing (E.C. 48818.c) |
| District Extension of Hearing Date | Up to five (5) calendar days “ <i>for good cause</i> ”. (E.C. 48918.a) |
| Pupil Postponement | Entitled to not more than thirty (30) calendar days- additional days at Board’s discretion. (E.C. 48918.a) |
| Hearing | To be conducted within thirty (30) school days of determination of pupil violation (E.C. 48918.a) |
| Administrative Panel or Hearing Officer Recommendation | Within three (3) school days or by thirty third (33 rd) day without postponements. (E.C. 48918.e) |
| Decision of Governing Board | Within ten (10) school days; or fortieth (40 th) day without pupil requested hearing postponement. (E.C. 48918.i) |
| Appeal to County Board | Within thirty (30) calendar days following local board decision. (E.C. 48919) |
| Appellate Hearing | Within twenty (20) school days following filing of formal request. (E.C. 48919) |
| Decision of the County Board | Within three (3) school days of hearing, absent pupil request for postponement. (E.C. 48919) |

SITE ADMINISTRATOR'S EXPULSION MEETING CHECKLIST

1. _____ A chronological account of the development of the case and a description of the pupil's conduct which led to the decision to recommend expulsion.
2. _____ Any anonymous written statements or declarations from student witnesses which support the school site administration's recommendation for expulsion.
3. _____ The pupil's discipline record for the current school year.
4. _____ A description of actions taken by the school to correct the pupil's previous misbehavior when the expulsion is based on violation of E.C. 48900; subsections (f), (g), (h), (I), or (k).
5. _____ Identification and preparation of student witnesses who will be present and giving testimony at the hearing to support the school site administrator's recommendation for expulsion.
6. _____ Contact with parents of student witnesses to:
 - a. Explain the expulsion hearing process
 - b. Invite them to attend the hearing to lend emotional support to the student(s) who will be giving testimony at the expulsion hearing.
7. _____ Identification and preparation of other individuals (classified and/or certificated employees, police offers, community members etc.) who will be present and giving testimony at the hearing to support the school site administrator's recommendation for expulsion.
8. _____ Any report or record from a law enforcement agency which supports the school site administrator's recommendation for expulsion.
9. _____ An up-to-date copy of the pupil's academic and attendance records.
10. _____ Any reports or written recommendations from teachers, counselors, school psychologist etc. regarding the pupil's recommended expulsion.
11. _____ The date, time, and place of the IEP team meeting and any reports or recommendations from the team regarding the recommendation to expel a Special Education Student.

EXPULSION REFERRAL ORDER OF DOCUMENTS (3 COPIES)

3 Copies of the Following Documents

- DRB Formal Referral Letter
- Suspension Notice
- Discipline Referral
- Student Screen
- Attendance Screen
- Discipline Screen
- Transcript/Report Card Grades
- Witness Statements
- Pictures (i.e., knife, etc.)

1 Copy of the Following Documents

- Birth Certificate
- Immunizations
- Library Books Print Out

PRE-EXULSION MEETING MONOLOGUE

This meeting is called a pre-expulsion meeting and is designed to review the charges made against ___(Student's Name)___ and to explain the laws. It must be held within 5 days of the first day of suspension. A manifestation hearing must be held for Special Education students before the pre-expulsion meeting.

- First, the Assistant Superintendent or designee goes over the package.
- Ask the student questions to give them due process and see if they admit to the charges and if there is any conflict over the facts.
- If the school is asking for a hold-out (suspension until the hearing) they must explain HOW the student is a threat to others or other means of correction have repeatedly failed to bring about proper conduct. **Special Education** students can **ONLY** have another 5 days of suspension. Regular education students **CAN** be held out until a hearing. *Typically hold-outs are only done when violence occurred OR the student has 20 days of suspension already.*
- Explain to the parent that only the school board has the right to expel or not expel a student. Explain that the Discipline Review Board (DRB) is made up of administrators and teachers from different schools and works for the School Board on these matters.
- Explain the waiver to DRB hearing to the parents.

Explain the process of the hearing – saying this is a Recommendation Only. The panel will hear the charges and the evidence.

PRE-EXPULSION INFORMATION SHEET

DATE: _____ **EXPULSION #** _____

SCHOOL: _____ **Vice Principal** _____ **GRADE:** _____ **D.O.B.** _____

Permanent ID#: _____ **SSIS #** _____

*** STUDENT NAME:** _____

*** Ethnicity:** _____ **M/F (circle one)** **Language** _____ **Program** _____

PARENT/CAREGIVER/GUARDIAN/FOSTER PARENT NAME (MR/MRS/MS – NO FIRST NAME) CIRCLE ONE

ADDRESS:

PHONE #: _____ **WORK #:** _____ **Email:**

*** SUBSECTION VIOLATION:** _____

*** PRE-EXPULSION DATE/TIME:** _____

Student will Stay out of the School until the Expulsion Meeting: _____ **YES** _____
NO

*** SPECIAL ED:** _____ **YES** _____ **NO, IF YES, DATE OF last IEP:**

Manifestation Determination Meeting Date _____

*** TRANSLATION NEEDED** _____ **YES** _____ **NO**

PRE-EXPULSION LETTER

Date

Mr. & Mrs.

Address

From: Khushwinder Gill, Assistant Superintendent

Dear Mr. & Mrs.

This notice is given pursuant to the requirement of Education Code Section 48918 to inform you of the following:

1. There will be an expulsion hearing before the District Disciplinary Review Board (DRB) on ____, DATE, 2013, at : p.m., in the Conference Room located in the District Office at 111 De Anza Blvd., Mountain House concerning your child, *****. It is extremely important for the student, as well as the student's parents or guardian to attend the hearing.

The DRB will review the evidence in support of, and in opposition to the expulsion, and will make a recommendation to the Lammersville Unified School District Board (LUSD Board). The LUSD Board will then review the DRB recommendation and will make a decision regarding the expulsion.

Formal rules of evidence will not apply here but I will keep these proceedings in order. Hearsay evidence is admissible but it is not sufficient by itself to support a finding. Findings must be supported by some direct evidence. The district has the burden of proving the allegations in the notice of hearing letter. The district will present its case first then the case for the student may be presented.

If you request in writing to the District Superintendent at least five days prior to the hearing, for a postponement of the hearing, the hearing will be postponed to a later date. The student/parent shall be entitled to one postponement for a period of not more than thirty (30) calendar days. Thereafter, any additional postponement may be granted at the discretion of the governing board.

2. The recommendation to expel is based on the violation of Education Code Section 48900, subsection: *****
3. You have the right to be present at the discipline hearing on ____, *****, to be represented by legal counsel, or by a non-attorney advisor, or support, and to obtain copies of all documents to be used at the hearing, to confront and question all other evidence presented, and to present oral and documentary evidence on the pupil's behalf, including witnesses.

The facts were discussed with you at the pre-expulsion conference held on *****.

4. You have the opportunity to request that the expulsion hearing be public rather than a private hearing by so requesting in writing to the District Superintendent at least five days prior to the date of the hearing.
5. **This recommendation is taken word for word from the school's expulsion packet.**
6. Should your child be expelled from Lammersville Unified Schools, and should you decide to enroll him/her in another school district, please be advised that it is the responsibility of the parent/guardian to inform the new school district that the pupil has been expelled from the Lammersville Unified School District.

If you have any questions, please call my office at (209)836-7400.

Sincerely,

Khushwinder Gill

Assistant Superintendent

pc: File

LETTER MISSED PRE-EXPULSION MEETING

Date

Mr. & Mrs.

address

Dear Mr. & Mrs.

This notice is given pursuant to the requirement of Education Code Section 48918 to inform you of the following:

1. There will be an expulsion hearing before the District Disciplinary Review Board (DRB) on ___, DATE, at *** p.m. in the Board Room located in the District Office at 111 De Anza Blvd. Mountain House concerning your child, ****. It is extremely important for the student, as well as the student's parents or guardian to attend the hearing.

The DRB will review the evidence in support of and in opposition to the expulsion and will make a recommendation to the Lammersville Unified School District Board (LUSD Board). The LUSD Board will then review the DRB recommendation and will make a decision regarding the expulsion.

Formal rules of evidence will not apply here but I will keep these proceedings in order. Hearsay evidence is admissible but it is not sufficient by itself to support a finding. Findings must be supported by some direct evidence.

The district has the burden of proving the allegations in the notice of hearing letter. The district will present its case first then the case for the student may be presented.

If you request in writing to the District Superintendent at least five days prior to the hearing, for a postponement of the hearing, the hearing will be postponed to a later date. The student/parent shall be entitled to one postponement for a period of not more than thirty (30) calendar days. Thereafter, any additional postponement may be granted at the discretion of the governing board.

2. The recommendation to expel is based on the violation of Education Code Section 48900, subsection:
3. Since you were unable to attend the pre-expulsion meeting scheduled for **day, DATE, at *** a.m., please find enclosed the following materials:
 - a) Student Conduct Code;

- b) Education Code sections regarding expulsion and suspension;
 - c) Evidence to be presented at the expulsion hearing;
 - d) Information regarding written notice for a 30-day postponement option.
4. You have the right to be present at the hearing on _____, DATE, to be represented by legal counsel, or by a non-attorney advisor, or support, and to obtain copies of all documents to be used at the hearing, to confront and question all other evidence presented, and to present oral and documentary evidence on the pupil's behalf, including witnesses.
 5. You have the opportunity to request that the expulsion hearing be public rather than a private hearing by so requesting in writing to the District Superintendent at least five days prior to the date of the hearing.
 6. The site administration recommends **exact wording from school's packet.**
 7. Per Penal Code 626.2, students who have been suspended or expelled are prohibited from being on campus. Violation of this code will result in a fine not to exceed five hundred dollars (\$500), by imprisonment in the county jail for a period of not more than six (6) months, or both such fine and imprisonment.
 8. Should your child be expelled from Lammersville Unified Schools, and should you decide to enroll him/her in another school district, please be advised that it is the responsibility of the parent/guardian to inform the new school district that the pupil has been expelled from the Lammersville Unified School District.
 9. Should your child be expelled you are advised that your appeal opportunity to the County Board of Education will be within thirty (30) calendar days following the ruling by the LUSD Board.

If you have any questions, please contact me at (209)836-7400.

Sincerely,

Khushwinder Gill

Assistant Superintendent

CC: student file

WRITTEN NOTICE REQUIREMENT
FOR 30-DAY EXPULSION HEARING POSTPONEMENT

The student and/or parent shall be entitled to request in writing at least one postponement for a period of not more than 30 calendar days. Thereafter, any additional postponement may be granted at the discretion of the governing board.

7/01-c:DRB Findings 30 day postponement

AVISO DE REQUISITO POR ESCRITO PARA QUE SE POSPONGA
POR 30 DIAS LA AUDIENCIA DE EXPULSION

Tanto el alumno como el padre o tutor deberán requerir por escrito cuando menos una vez que se posponga por un periodo no mayor a 30 dias habiles. Subsecuentemente, cualquier aplazamiento adicional podra darse segun la discrecion de la mesa directiva.

7/01-c:DRB Findings 30 day postponement SPA

WAIVER OF EXPULSION HEARING PROCEEDINGS

In the matter of the recommended expulsion of:

Student: _____ **Date of Birth:** _____

Student ID# _____ **Phone #** _____ **Email:** _____

Parents/Guardian: _____

Address _____ **City:** _____ **St:** _____ **Zip:** _____

_____ and _____

Student

Parent/Guardian(s)

Acknowledge having met with the Assistant Superintendent or designee. We have been informed of, and understand the right to due process, with regard to the expulsion recommendation against _____ (Student) by the administration of _____ (School/Grade).

We have received the suspension form and a copy of the Administrative document requesting expulsion. (We have also received, or will receive a letter explaining the reason(s) for the extension of suspension).

After careful consideration, we voluntarily request a waiver of the pending expulsion hearing before the Lammersville Unified School District (LUSD) Disciplinary Review Board. We understand the purpose and the function of the waived hearing would have been for fact-finding, and to submit recommendations to the District's Board of Education when the Board meets to deliberate and act on this matter. We further understand and agree to waive all rights we would have had in connection with the waived hearing, including the opportunity to appear in person or employ and be represented by counsel, to inspect and obtain copies of all documents to be used, to confront and question all witnesses, to question all other evidence to be presented, and to present oral and documentary evidence on _____ (Student's) behalf, including witnesses.

We further understand and agree to waive our right to appear before the LUSD Board of Education, as well as our right to appeal the Board's order of expulsion to the San Joaquin County Board of Education.

All parties are in agreement that the below specified discipline may be put into effect by the District without formal hearing or other procedures as may be required by the LUSD Student Discipline Policy, California Education Code, or other applicable law. It is agreed that both the student and the parent/guardian have received and read a copy of the District's disciplinary rules and understand that, except for this agreement, the parties would be entitled to a formal hearing. Based on the foregoing, the student and the parent/guardian do hereby voluntarily consent to expulsion. By signing this consent form, both the student and parent/guardian agree that: (1) they have done so voluntarily; (2) they have received a complete copy of the LUSD Discipline Policy; (3) they have had sufficient time to read such rules and procedures and knowingly waive all formal hearing rights; and (4) all parties are in agreement that a formal hearing is unnecessary, and the manner of discipline recommended is appropriate.

MODIFICATION OF AGREEMENT

In the event the District Board of Education modifies the terms of this agreement with respect to the length of the expulsion and/or the placement of the student, the student and his/her parent/guardian may request in writing, within five (5) school days from such modifications, that a hearing be conducted before a Disciplinary Review Board. The student and parents agree that the period in which the District must consider and act upon the recommendation of a Disciplinary Review Board shall be within thirty (30) school days from the date this stipulated agreement is presented to the District Board of Education.

BOARD APPROVAL

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

IT IS STIPULATED by and between the LAMMERSVILLE UNIFIED SCHOOL DISTRICT, the STUDENT named above, and his/her PARENT/GUARDIAN as follows:

Whereas, evidence indicated that on or about _____ the above student violated Education Code 48900 and/or 48915, by: (describe infraction)

thus giving LUSD legal grounds to expel him/her from District Schools and WHEREAS:

- Other means of correction are not feasible
- Other means of correction have repeatedly failed to bring about proper conduct; and/or
- Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil and others.

And WHEREAS,

- Expulsion proceedings are currently pending as a result of the student's conduct, and all due process procedures have been met in processing the expulsion.

IT IS AGREED AND STIPULATED AS FOLLOWS:

1. _____ That all of the foregoing recitals are true and correct.
2. _____ The student did, on or about the date noted above, commit an expellable offense, as set forth in Lammersville School District Discipline Policy for the recommendation for expulsion attached hereto and incorporated by reference.
3. _____ The conduct described in Ed. Code _____ constitutes grounds for expulsion from the schools of the Lammersville Unified School District, pursuant to the applicable board policy and law.
4. _____ The Student shall be expelled from all schools governed by the District for the _____
and/or until he/she is readmitted to the District, pursuant to the process set forth in Education Code Section 48916 and Governing Board Policy.
5. _____ The student shall comply with all conditions in the Rehabilitation Plan below.

REHABILITATION PLAN

DURING THE PERIOD OF EXPULSION THE STUDENT SHALL:

1. _____ Maintain a clear community behavior record during the term of his/her expulsion;
2. _____ Attend a school or educational program, either private or public, maintain passing grades in all subjects, have no unexcused absences, and maintain a satisfactory attitude and behavior;
3. _____ Have no suspendable violations of the Education Code Sections 48900 and 48915;
4. _____ Provide evidence of significant change in his/her attitude and behavior, as verified by evidentiary facts or by some rehabilitation authority;
5. _____ Meet with the Assistant Superintendent, after (date) _____, to show proof of completion of the above probation conditions and to determine the most appropriate educational placement;

in addition, (if checked)

6. _____ it is recommended that the student participate in a professional counseling program;
7. _____ abide by all conditions of his/her probation;

8. _____ make restitution for property, personal damages in the amount of \$ _____;
9. ___ complete a district-approved anger management **or Unauthorized Group Awareness** program no later than (date) _____;
10. ___ complete a district-approved drug/alcohol program no later than (date) _____;
11. ___ complete _____ hours of Community Service _____;
12. ___ other: _____
13. ___ be subject to search and seizure at any time while on school grounds or at any school related activity.
14. ___ be prohibited from flying colors, displaying unauthorized group paraphernalia, participating in any unauthorized group activities or associating with any known unauthorized group members.

THE STUDENT IS NOT TO BE ON OR AROUND ANY SCHOOL CAMPUS IN THE LAMMERSVILLE UNIFIED SCHOOL DISTRICT DURING THE HOURS OF A SCHOOL DAY, NOR MAY THE STUDENT ENGAGE IN ANY DISTRICT SCHOOL ACTIVITY AT ANY TIME OR LOCATION.

PLACEMENT DURING THE TERM OF EXPULSION

The student shall be referred to the _____ to continue his/her education during the expulsion period

RE-ENTRY FROM EXPULSION

The student may be eligible to return to a District school or program at the beginning of the semester following the last semester of expulsion (date: _____).

Upon completion of the expulsion order, the student and his/her parent/guardian shall meet with the Assistant Superintendent to substantiate that all conditions of the Rehabilitation Plan have been met. Upon verification of compliance with the plan, the most appropriate placement will be determined for the following semester.

| | | | |
|-------------------|------|---------------------------|------|
| Student Signature | Date | Parent/Guardian Signature | Date |
|-------------------|------|---------------------------|------|

DISTRICT DISCIPLINE REVIEW BOARD MEETING MONOLOGUE

This is a meeting of the District Discipline Review Board (DRB) and I am (Assistant Superintendent or Designee) going to start by having people introduce themselves, starting on my left:

First I'm going to read from a letter dated _____ which gave the date, time and place of this meeting. It also gave the specific Education Code on which the recommendation to expel is based; which is Education Code 48900, subsection _____; (**Read** the Ed. Code definition here, e.g., (a) caused, attempted to cause, etc. etc.). This letter reminded you of your right to be represented by counsel and support, to have copies of any documents to be used at the hearing; to confront and question all evidence presented and to present oral and documentary evidence on the pupil's behalf, including witnesses. This was discussed with *(you at the PRE-expulsion conference) on _____ (date). The letter also reminded you that you have the right for a public rather than a private hearing.

The School Site is recommending that (Name of CHILD): here **Read the Actual School Site Recommendation contained in the letter**) be expelled, etc., etc., for the remainder of the 2007-2008 school year for violation of Ed. Codes..... This letter also states that if (NAME) were to be expelled, and you decided to enroll HIM in another school district, it would be the responsibility of the parent to inform the other district. **His suspension was extended until this hearing as his/her presence at school was a danger to others and extremely disruptive to the instructional process. (Yes or No?)*

Now, I'm going to briefly go over how the hearing is conducted.

First the school site (in this case Name of School Representative) goes over the package. When s/he is done presenting, members of the panel will have an opportunity to ask her/his questions, and parent and student will have an opportunity to ask questions. **** If there is a witness mention this here** – It's my understanding that the school has a witness** After, there is a full disclosure, the panel meets in closed session, deliberates, and then we have you back in the room and I read their decision. Whatever their decision is it going into effect immediately. **You will receive a letter after this hearing with the decision of this panel.** Then it goes to the School Board in Closed Session, and after the School Board formally rules upon it **you will receive another letter letting you know the school board's decision** – then you would have up to 30 days to appeal to the County School Board if you desire to do that. Now we use a tape recorder so that we have record of this hearing. And these hearings are considered confidential. So are there any questions on the proceedings? Then we will go ahead and have **** Name of School Rep.**** go over the package.

AFTER school finishes reading the package you ask, "Are there questions by panel members?" - -- When finished here – "As the parent do you have any questions about anything that was read?" When finished here – **IF** there is a Witness now is the time to bring him in. When the

witness is seated: **“Please state your name and where you work/go to school. Do you solemnly swear that the evidence you shall give in this matter is the truth, the whole truth and nothing but the truth?”** When witness is done ask panel if they have any questions for the witness. Then ask family if they have any questions for witness. Then excuse the witness.

After witness is done I will say, “Typically now it is the student’s opportunity to speak about what happened.” **Let the student tell his side of the story.** Then.... “Are there questions by the panel members?”

When done you ask the students, “If there anything else these people need to know?” Then... “As his/her parent is there anything else you would like to add?” Then...” We appreciate your comments. If you would go ahead and wait outside for a few minutes.”

DELIBERATION STEPS:

- ❖ Discussion and voting on the anonymous statements.
- ❖ Discussion and voting on Ed. Code violations (add/delete/accept school’s)
- ❖ Schools recommendation or OTHER recommendation and VOTE
- ❖ Placement options (if expelled)
- ❖ Anger Management – VOTE
- ❖ Other items: Search and Seizure/Gang clause
- ❖ Select one of the following:
 - Other means of correction are not feasible
 - Other means of correction have repeatedly failed to bring about proper conduct
 - Due to the nature of the violation the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.

The District Discipline Review Board has determined that _____ did violate Ed. Code 48900, subsection (*). Therefore they have determined that

- ❖ Due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety to the pupil or others.
- ❖ Other means of correction have repeatedly failed to bring about proper conduct;
- ❖ Other means of correction are not feasible;

(If the panel went with the schools recommendation just read it from the packet – if they changed it you will need to correct the working):

He/she should be expelled forSchool year for violating Ed. Code 48900 subsectionand set the _____ as the earliest date that he/she could apply to re-enroll in Lammersville Unified Schools. During the period of this expulsion he will be referred to _____ (either the county school) where he is expected to earn at least 5 credits per month, maintain a 2.0 Grade Point Average, and have no violations of the Education Code 48900 subsection (a) through (r) related to school attendance.

DISCIPLINE REVIEW BOARD MEETING MONOLOGUE NO SHOW

As an example:

This is a meeting of the District Discipline Review Board (DRB). Let it be noted that **Name of Student** and his parent are not here, although they did attend the Pre-Expulsion Conferences. **(OR if they did not come to the Pre you would state that no parent or student attended the pre-expulsion nor are they in attendance for this hearing.)**

Let it be noted for the record who is in attendance.

We have a letter dated, which gave the date, time and place of this hearing. The recommendation to expel is based on Ed. Code 48900, subsection (). The letter contains the parent's rights and the school's recommendation: Other means of correction are not feasible, site is recommending (read the recommendation here).

Now I'll refer to the Vice Principal to go through the packet.

A.P. reads the packet referral (recommendation) states that the site recommendation has been read into the record – then goes through the packet identifying each page (suspension, referral – this is basically just the recording).

When A.P. reaches the statements *Rebecca interjects here and says, "I believe the panel has already read the statements."* Panel members nod in agreement.

When A.P. is done Assist Sup says: *"Are there questions by panel members?"*

Hearing no other questions we will have the site administrator and anyone else who works at NAME OF school leave the room while the panel deliberates.

A.P. is now back in the room and Assistant Superintendent reads:

"The District Discipline Review Board determined that NAME did violate Education Code 48900, and that other means of correction are not feasible, OR have repeatedly failed OR the student is a danger to himself and others. Therefore, he should be expelled from school for the remainder of the 201_-201_ school year and the 1st semester of next year. He is referred to Willow Community Day School or County where he is expected to earn 5 credits a month, maintain a 2.0, have good attendance and behavior. That would be criteria to apply to return to regular school. And they also accepted the anonymous statement in fear of retaliation.

SUSPENDED EXPULSION SAMPLE - 2ND C

TO: Khushwinder Gill, Assistant Superintendent

FROM: *Your Name, Principal or Vice Principal, Your School*

DATE:

SUBJECT: Referral to District Discipline Review Board for Expulsion

RE: *John Doe*

Parents: Mr. & Mrs. Doe

Birthdate:

Address: _____

Age: _____ Grade: _____ Phone: _____ Email: _____

See attached referral and suspension dated.....

On DATE, John Doe was suspended from school for *five (5)* school days for violation of Education Code 48900, subsection:

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

On DATE, John was found to be (in possession of a controlled substance, marijuana, under the influence of marijuana, etc. whatever occurred) on school campus. (More information here about the incident). **(This paragraph is basically same as what you typed in the referral)** This is John's second violation of Ed. Code 48900, subsection (c) in less than one year. He was suspended on DATE for being (under the influence, or in possession – whatever) and placed on Probation I.

Last Page – Recommendation

Other means of correction are not feasible. Therefore, the Site Administration recommends that (-----). Therefore, John should be expelled from school for the remainder of the 2013-2014 school year for violation of Education Code 48900, subsection (c); then suspend the expulsion and allow him to remain in school on probation. John will be on probation for Education Code 48900, subsections (a) through (q). If he were to receive four (4) days of suspension for subsection (a) through (q), his full expulsion would be reinstated. If this were to occur he would be referred to an appropriate placement, where he would be expected to have good attendance and behavior and earn passing grades. The earliest date he may apply to return to Lammersville Unified Schools would be June 6, 2014.

John should also be subject to search and seizure at any time while on school grounds or at any school related activity.

SUSPENDED EXPULSION SAMPLE A1

TO: Khushwinder Gill, Assistant Superintendent

FROM: *Your Name, Principal or Vice Principal, Your School*

DATE:

SUBJECT: Referral to District Discipline Review Board for Expulsion

RE: *John Doe*

Parents: Mr. & Mrs. Doe

Birthdate:

Address: _____

Age: _____ Grade: _____ Phone: _____ Email: _____

See attached referral and suspension dated.....

On DATE, John Doe was suspended from school for *five (5)* school days for violation of Education Code 48900, subsection:

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

On DATE, John

The Site Administration recommends that (). Therefore, John should be expelled from school for the remainder of the 2007-2008 school year for violation of Education Code 48900, subsection (a)(1); then suspend the expulsion and allow him to remain in school on probation. John will be on probation for Education Code 48900, subsection (a) through (q). If he were to receive four (4) days of suspension, his full expulsion would be reinstated. If this were to occur he would be referred to the San Joaquin County Alternative Program, or other alternative placement, where he would be expected to earn five (5) credits per month, maintain a 2.0 Grade Point Average (GPA), and have good attendance and behavior. The earliest date he may apply to return to Lammersville Unified Schools would be May 30, 2008.

SUSPENDED EXPULSION SAMPLE - A1 ANGER MANAGEMENT

TO: Khushwinder Gill, Assistant Superintendent

FROM: *Your Name, Principal or Vice Principal, Your School*

DATE:

SUBJECT: Referral to District Discipline Review Board for Expulsion

RE: *John Doe*

Parents: Mr. & Mrs. Doe

Birthdate:

Address: _____

Age: _____ Grade: _____ Phone: _____ Email: _____

See attached referral and suspension dated.....

On DATE, John Doe was suspended from school for *five (5)* school days for violation of Education Code 48900, subsection:

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

On DATE, John

The Site Administration recommends that (). Therefore, John should be expelled from school for the remainder of the 2007-2008 school year for violation of Education Code 48900, subsection (a)(1); then suspend the expulsion and allow him to remain in school on probation. John will be on probation for Education Code 48900, subsection (a) through (q). If he were to receive ___ () days of suspension, his full expulsion would be reinstated. If this were to occur he would be referred to the San Joaquin County Alternative Program, or other alternative placement, where he would be expected to earn five (5) credits per month, maintain a 2.0 Grade Point Average (GPA), and have good attendance and behavior. The earliest date he may apply to return to Lammersville Unified Schools would be May 30, 2008.

John is required to complete an Anger Management Class. If he fails to complete this class his expulsion will be reinstated.

SUSPENDED EXPULSION SAMPLE B – 48915 a2

TO: Khushwinder Gill, Assistant Superintendent

FROM: *Your Name, Principal or Vice Principal, Your School*

DATE:

SUBJECT: Referral to District Discipline Review Board for Expulsion

RE: *John Doe*

Parents: Mr. & Mrs. Doe

Birthdate:

Address: _____

Age: _____ Grade: _____ Phone: _____ Email: _____

See attached referral and suspension dated.....

On DATE, John Doe was suspended from school for *five (5)* school days for violation of Education Code 48900, subsection:

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

48915 (a)(2) Possession of any knife, explosive, or other dangerous object of no reasonable use to the pupil.

On DATE, John was found to be in possession of a locking blade knife on school campus. (More information here about the knife).

The Site Administration recommends that (). Therefore, John should be expelled from school for the remainder of the 2007-2008 school year for violation of Education Code 48900, subsections (b) and 48915 (a)(2); then suspend the expulsion and allow him to remain in school on probation. John will be on probation for Education Code 48900, subsections (a) through (q). If he were to receive ____ () days of suspension for subsection (a) through (q), his full expulsion would be reinstated. If this were to occur he would be referred to an appropriate placement, where he would be expected to have good attendance and behavior and earn passing grades. The earliest date he may apply to return to Lammersville Unified Schools would be May 30, 2008.

John should also be subject to search and seizure at any time while on school grounds or at any school related activity.

INTEROFFICE MEMORANDUM – REINSTATED EXPULSION SAMPLE

TO: Khushwinder Gill, Assistant Superintendent

FROM: Site Administrator, School Name

SUBJECT: Reinstatement of Full Expulsion – *Student’s Name*

DATE:

| | |
|------------------|-----------------|
| Mr. & Mrs. XXXXX | DOB: XXXXXX |
| Address | Age: XX |
| City,State,Zip | I.D.# XXXXXXXXX |
| (209) XXX-XXXX | |

This is to advise you that NAME has violated the terms of his probation while on a suspended expulsion, as established by the District Discipline Review Board.

On DATE, NAME was suspended from school for XX (X) days for violation of Ed. Code 48900, subsection XXXX. This is a violation of the terms of probation set at his DRB hearing.

Please reinstate NAME’s full expulsion effective DATE until the end of the expulsion period.

Cc: Principal

File

(Prevention Services) if applicable

EXPULSION SAMPLE - 48900(1).2

TO: Khushwinder Gill, Assistant Superintendent

FROM: *Your Name, Principal or Vice Principal, Your School*

DATE:

SUBJECT: Referral to District Discipline Review Board for Expulsion

RE: *John Doe*

Parents: Mr. & Mrs. Doe

Birthdate:

Address: _____

Age: _____ Grade: _____ Phone: _____ Email: _____

See attached referral and suspension dated.....

On DATE, John Doe was suspended from school for *five (5)* school days for violation of Education Code 48900, subsection:

- (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288a or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.

48900.2;212.5 Sexual Harassment in which the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating and intimidating, hostile or offensive work or educational environment.

On DATE, (tell what happened here).-----

The site administration recommends that (). Therefore John should be expelled from school for the remainder of the 2007-2008 school year for violation of Education Code 48900, subsections (i), (n) (k) and 48900.2;212.5. John is to be referred to the San Joaquin County Alternative Program or alternative placement, where he is expected to earn five (5) credits per month, maintain a 2.0 G.P.A., and exhibit good attendance and behavior. The earliest date he may apply to return to Lammersville Unified Schools will be May 30, 2008.

The site further recommends that John's suspension be extended until the formal expulsion hearing takes place, as his presence on campus creates a dangerous situation and disrupts the educational process.

EXPULSION SAMPLE - SEMESTER PLUS A1 A2

TO: Khushwinder Gill, Assistant Superintendent

FROM: *Your Name, Principal or Vice Principal, Your School*

DATE:

SUBJECT: Referral to District Discipline Review Board for Expulsion

RE: *John Doe*

Parents: Mr. & Mrs. Doe

Birthdate:

Address: _____

Age: _____ Grade: _____ Phone: _____ Email: _____

See attached referral and suspension dated.....

On DATE, John Doe was suspended from school for *five (5)* school days for violation of Education Code 48900, subsection:

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

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

On DATE, two students were involved in a fight. John jumped in, kicked one of the students and then punched the same student in the face, then jumped out of the fight. John admitted to his actions and accepts the responsibility for them. The police were contacted and John was cited (Case #).

The site administration recommends (). Therefore John should be expelled from school for the remainder of the 2007-2008 school year for violation of Education Code 48900, subsections (a)(1) and (a)(2).

John is to be referred to the San Joaquin County Alternative Program or alternative placement, where he is expected to earn five (5) credits per month, maintain a 2.0 G.P.A., and exhibit good attendance and behavior. The earliest date he may apply to return to Lammersville Unified Schools will be May 30, 2008.

The site further recommends that John's suspension be extended until the formal expulsion hearing takes place, as his presence on campus creates a dangerous situation and disrupts the educational process.

EXPULSION SEMESTER SAMPLE – SEMESTER PLUS A1 A2 GANG CLAUSE

TO: Khushwinder Gill, Assistant Superintendent

FROM: *Your Name, Principal or Vice Principal, Your School*

DATE:

SUBJECT: Referral to District Discipline Review Board for Expulsion

RE: *John Doe*

Parents: Mr. & Mrs. Doe Birthdate: _____

Address: _____

Age: _____ Grade: _____ Phone: _____ Email: _____

See attached referral and suspension dated.....

On DATE, John Doe was suspended from school for *five (5)* school days for violation of Education Code 48900, subsection:

- (a)(1) Caused, attempted to cause, or threatened to cause physical injury to another person.
- (a)(2) Willfully used force or violence upon the person of another, except in self-defense.

On DATE, two students were involved in a fight. John jumped in, kicked one of the students and then punched the same student in the face, then jumped out of the fight. John admitted to his actions and accepts the responsibility for them. The police were contacted and John was cited (Case #).

The site administration recommends that (). Therefore John should be expelled from school for the remainder of the 2007-2008 school year for violation of Education Code 48900, subsections (a)(1), and (a)(2).

John is to be referred to the San Joaquin County Alternative Program or alternative placement, where he is expected to earn five (5) credits per month, maintain a 2.0 G.P.A., and exhibit good attendance and behavior. The earliest date he may apply to return to Lammersville Unified Schools will be May 30, 2008.

1. John is required to complete eighty (80) hours of community service
2. John is also required to complete an Anger Management Class.
3. John is prohibited from flying colors, displaying gang paraphernalia or participating in gang related activities.

The site further recommends that John’s suspension be extended until the formal expulsion hearing takes place, as his presence on campus creates a dangerous situation and disrupts the educational process.

EXPULSION SAMPLE - SEMESTER PLUS A1

TO: Khushwinder Gill, Assistant Superintendent

FROM: *Your Name, Principal or Vice Principal, Your School*

DATE:

SUBJECT: Referral to District Discipline Review Board for Expulsion

RE: *John Doe*

Parents: Mr. & Mrs. Doe

Birthdate:

Address: _____

Age: _____ Grade: _____ Phone: _____ Email: _____

See attached referral and suspension dated.....

On DATE, John Doe was suspended from school for *five (5)* school days for violation of Education Code 48900, subsection:

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

On DATE, John was involved in a fight..... (all the information here about what occurred).

The site administration recommends that (). Therefore John should be expelled from school for the remainder of the 2007-2008 school year for violation of Education Code 48900, subsections (a)(1).

John is to be referred to the San Joaquin County Alternative Program or alternative placement, where he is expected to earn five (5) credits per month, maintain a 2.0 G.P.A., and exhibit good attendance and behavior. The earliest date he may apply to return to Lammersville Unified Schools will be May 30, 2008.

The site further recommends that John's suspension be extended until the formal expulsion hearing takes place, as his presence on campus creates a dangerous situation and disrupts the educational process.

He is required to complete an Anger Management Class.

EXPULSION SAMPLE - SEMESTER PLUS A1 ANGER MANAGEMENT

TO: Khushwinder Gill, Assistant Superintendent

FROM: *Your Name, Principal or Vice Principal, Your School*

DATE:

SUBJECT: Referral to District Discipline Review Board for Expulsion

RE: *John Doe*

Parents: Mr. & Mrs. Doe

Birthdate:

Address: _____

Age: _____ Grade: _____ Phone: _____ Email: _____

See attached referral and suspension dated.....

On DATE, John Doe was suspended from school for *five (5)* school days for violation of Education Code 48900, subsection:

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

On DATE, John was involved in a fight..... (all the information here about what occurred).

The site administration recommends that (). Therefore John should be expelled from school for the remainder of the 2007-2008 school year for violation of Education Code 48900, subsections (a)(1).

John is to be referred to the San Joaquin County Alternative Program or alternative placement, where he is expected to earn five (5) credits per month, maintain a 2.0 G.P.A., and exhibit good attendance and behavior. The earliest date he may apply to return to Lammersville Unified Schools will be May 30, 2008.

The site further recommends that John's suspension be extended until the formal expulsion hearing takes place, as his presence on campus creates a dangerous situation and disrupts the educational process.

He is required to complete an Anger Management Class.

EXPULSION SAMPLE - A1 A2 N 48915 C4

TO: Khushwinder Gill, Assistant Superintendent

FROM: *Your Name, Principal or Vice Principal, Your School*

DATE:

SUBJECT: Referral to District Discipline Review Board for Expulsion

RE: *John Doe*

Parents: Mr. & Mrs. Doe

Birthdate:

Address: _____

Age: _____ Grade: _____ Phone: _____ Email: _____

See attached referral and suspension dated.....

On DATE, John Doe was suspended from school for *five (5)* school days for violation of Education Code 48900, subsection:

- (a)(1) Caused, attempted to cause, or threatened to cause physical injury to another person.
- (a)(2) Willfully used force or violence upon the person of another, except in self-defense.
- (n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.

48915 (c)(4) Committing or attempting to commit a sexual assault or committing a sexual battery.

On DATE, John Doe

The Site Administration recommends that (). Therefore, John should be expelled from school for a period of one year from the date of the suspension for violation of Education Code 48900 subsections (a-1), (a-2), (n) and 48915 (c)(4).

John is to be referred to the San Joaquin County Alternative Program or alternative placement where he is expected to earn five (5) credits per month, maintain a 2.0 G.P.A., and exhibit good attendance and behavior. The earliest date he may apply to return to Lammersville Unified Schools will be *Date* (this should be one year from the date of suspension).

The site further recommends that John's suspension be extended until the formal expulsion hearing takes place, as his presence on campus creates a dangerous situation and disrupts the educational process.

EXPULSION SAMPLE - K NINE WEEKS OR SEMESTER PLUS OR SARB

TO: Khushwinder Gill, Assistant Superintendent

FROM: *Your Name, Principal or Vice Principal, Your School*

DATE:

SUBJECT: Referral to District Discipline Review Board for Expulsion

RE: *John Doe*

Parents: Mr. & Mrs. Doe

Birthdate:

Address: _____

Age: _____ Grade: _____ Phone: _____ Email: _____

See attached referral and suspension dated.....

On DATE, John Doe was suspended from school for * (*) school day(s) for (whatever he did) thus violating Education Code 48900, subsection:

- (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.

The Site Administration recommends that (). Therefore, John should be expelled from school for the remainder of the 2007-2008 school year for violation of Education Code 48900, subsection (k). John is referred to the San Joaquin County Alternative Program, or other alternative placement, where he is expected to earn five (5) credits per month, maintain a 2.0 Grade Point Average (GPA), and have good attendance and behavior. The earliest date he may apply to return to Lammersville Unified Schools would be (put DATE here).

EXPULSION SAMPLE - K MULTIPLE DAYS OF SUSPENSION- SEMESTER PLUS
OR SARB

TO: Khushwinder Gill, Assistant Superintendent

FROM: *Your Name, Principal or Vice Principal, Your School*

DATE:

SUBJECT: Referral to District Discipline Review Board for Expulsion or SARB

RE: *John Doe*

Parents: Mr. & Mrs. Doe

Birthdate:

Address: _____

Age: _____ Grade: _____ Phone: _____ Email: _____

See attached referral and suspension dated.....

On DATE, John Doe was suspended from school for * (*) school day(s) for failing to attend Saturday School, thus violating Education Code 48900, subsection:

(k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.

This referral resulted in John's 18th day of suspension. Therefore he is subject to the expulsion process.

John has been suspended 14 days for defiance, 3 days for fighting and 1 day for profanity. John has received disciplinary counseling as well as a variety of disciplinary consequences in an attempt to help him become more responsible about his behavior and its consequences.

Other means of correction have repeatedly failed to bring about proper conduct. Therefore, the Site Administration recommends that John should be expelled from school for the remainder of the 2007-2008 school year for violation of Education Code 48900, subsection (k). John is referred to the San Joaquin County Alternative Program, or other alternative placement, where he is expected to earn five (5) credits per month, maintain a 2.0 Grade Point Average (GPA), and have good attendance and behavior. The earliest date he may apply to return to Lammersville Unified Schools would be May 30, 2008.

EXPULSION SAMPLE - B AND 48915 A2 NINE WEEKS OR ONE SEMESTER

TO: Khushwinder Gill, Assistant Superintendent

FROM: *Your Name, Principal or Vice Principal, Your School*

DATE:

SUBJECT: Referral to District Discipline Review Board for Expulsion

RE: *John Doe*

Parents: Mr. & Mrs. Doe

Birthdate:

Address: _____

Age: _____ Grade: _____ Phone: _____ Email: _____

See attached referral and suspension dated.....

On DATE, John Doe was suspended from school for *five (5)* school days for violation of Education Code 48900, subsection:

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

48915 (a)(2) Possession of any knife, explosive, or other dangerous object of non-reasonable use to the pupil.

On DATE, John was found to be in possession of a locking blade knife on school campus. (More information here about the knife – why he had it – for protection - was he threatening anyone, etc?)

The Site Administration recommends that (). Therefore, John should be expelled from school for the remainder of the 2007-2008 school year for violation of Education Code 48900, subsections (b) and 48915 (a)(2).

John is to be referred to the San Joaquin county Alternative Program or alternative placement, where he is expected to earn five (5) credits per month, maintain a 2.0 G.P.A., and exhibit good attendance and behavior. The earliest date he may apply to return to Lammersville Unified Schools will be (9 weeks from date of suspension or 1 semester – you pick). Terms of probation for the remainder of the expulsion period would be set at a reinstatement hearing.

John should also be subject to search and seizure at any time while on school grounds or at any school related activity.

EXPULSION SAMPLE - B 48915 C2 DATE TO DATE

TO: Khushwinder Gill, Assistant Superintendent

FROM: *Your Name, Principal or Vice Principal, Your School*

DATE:

SUBJECT: Referral to District Discipline Review Board for Expulsion

RE: *John Doe*

Parents: Mr. & Mrs. Doe

Birthdate:

Address: _____

Age: _____ Grade: _____ Phone: _____ Email: _____

See attached referral and suspension dated.....

On DATE, John Doe was suspended from school for *five (5)* school days for violation of Education Code 48900, subsection:

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

48915 (c2) Brandishing a knife at another person.

On DATE, John was found to be in possession of a weapon/knife on school campus. (More information here about the knife/weapon– who did he brandish, etc?)

The Site Administration recommends that (). Therefore, John should be expelled from school for a period of one year from the date of the suspension for violation of Education Code 48900, subsections (b) and 48915 (c)(2).

John is to be referred to the San Joaquin County Alternative Program or alternative placement, where he is expected to earn five (5) credits per month, maintain a 2.0 G.P.A., and exhibit good attendance and behavior. The earliest date he may apply to return to Lammersville Unified Schools will be (this date should be one year from the date of the suspension).

John should also be subject to search and seizure at any time while on school grounds or at any school related activity.

EXPULSION SAMPLE - C 48915 C3 DRUG SALES DATE TO DATE

TO: Khushwinder Gill, Assistant Superintendent

FROM: *Your Name, Principal or Vice Principal, Your School*

DATE:

SUBJECT: Referral to District Discipline Review Board for Expulsion

RE: *John Doe*

Parents: Mr. & Mrs. Doe Birthdate: _____

Address: _____

Age: _____ Grade: _____ Phone: _____ Email: _____

See attached referral and suspension dated.....

On DATE, John Doe was suspended from school for *five (5)* school days for violation of Education Code 48900, subsection:

- (c) Unlawfully possessed, used, sold or otherwise furnished or been under the influence of any controlled substance, as defined in Section 11007 of the Health and Safety Code, or alcoholic beverage of any kind.

48915 (c) (3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

On DATE, John Doe sold marijuana to another student on school campus. John was cited by the Tracy Police Department (Case # 00-####). John admitted selling the marijuana to the other student during lunch.

The Site Administration recommends that (). Therefore John should be expelled from school for a period of one year from the date of the suspension for violation of Education Code 48900 subsection (c) and 48915 (c)(3).

John is to be referred to the San Joaquin County Alternative Program or alternative placement, where he is expected to earn five (5) credits per month, maintain a 2.0 G.P.A., and exhibit good attendance and behavior. The earliest date he may apply to return to Lammersville Unified Schools will be *Date* (this should be one year from the date of suspension).

The site further recommends that John's suspension be extended until the formal expulsion hearing takes place, as his presence on campus creates a dangerous situation and disrupts the educational process.

EXPULSION SAMPLE - F DAMAGE PROPERTY SEMESTER PLUS

TO: Khushwinder Gill, Assistant Superintendent

FROM: *Your Name, Principal or Vice Principal, Your School*

DATE:

SUBJECT: Referral to District Discipline Review Board for Expulsion

RE: *John Doe*

Parents: Mr. & Mrs. Doe Birthdate: _____

Address: _____

Age: _____ Grade: _____ Phone: _____ Email: _____

See attached referral and suspension dated.....

On DATE, John Doe was suspended from school for * (*) school day(s) for damaging school property, thus violating Education Code 48900, subsection:

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

On DATE, John (tell what student did – he spray painted windows, cars, whatever. Just a quick paragraph about what he did, what he wrote, if he was with others, etc.)

The Site Administration recommends that (). Therefore, John should be expelled from school for the remainder of the 2007-2008 school year for violation of Education Code 48900, subsections (f). John is referred to the San Joaquin County Alternative Program, or other alternative placement, where he is expected to earn five (5) credits per month, maintain a 2.0 Grade Point Average (GPA), and have good attendance and behavior. The earliest date he may apply to return to Lammersville Unified Schools would be May 30, 2008.

John is required to pay restitution to the school for the damages.

The site further recommends that John's suspension be extended until the formal expulsion hearing takes place, as his/her presence on campus creates a dangerous situation and disrupts the educational process.

EXPULSION SAMPLE - G EXPEL FOR SCHOOL YEAR

TO: Khushwinder Gill, Assistant Superintendent

FROM: *Your Name, Principal or Vice Principal, Your School*

DATE:

SUBJECT: Referral to District Discipline Review Board for Expulsion

RE: *John Doe*

Parents: Mr. & Mrs. Doe

Birthdate:

Address: _____

Age: _____ Grade: _____ Phone: _____ Email: _____

See attached referral and suspension dated.....

On DATE, John Doe was suspended from school for five (5) school days, thus violating Education Code 48900, subsection:

- (g) Stole or attempted to steal school property or private property.

John (tell what occurred the day the student was suspended).

Other means of correction are not feasible. Therefore, the Site Administration recommends that John should be expelled from school for the remainder of the 2006-2007 school year and the first semester of the 2007-2008 school year for violation of Education Code 48900, subsection (g). John is referred to the San Joaquin County Alternative Program, or other alternative placement, where he is expected to earn five (5) credits per month, maintain a 2.0 Grade Point Average (GPA), and have good attendance and behavior. The earliest date he may apply to return to Lammersville Unified Schools would be the last day of the 1st semester of the 2007-2008 school year.

EXPULSION FINDINGS OF FACT (Document to the Governing Board)

Name _____ LUSD Expulsion Date _____

Grade _____ School _____

DOB _____ Student ID# _____

CASE# ?? (School Year)

We, the Lammersville Unified Schools District Disciplinary Review Board, determined on Thursday, Date, 2013, that **Name** has violated Education Code 48900, subsection:

I. HEARING INFORMATION:

1. Attendance:

Grades:

Discipline:
2. The school called as a witness. He/she testified.....
3. The pupil testified.....
4. Other testimony was provided by/in the form of.....
5. Additional information placed into evidence was:
6. Testifying for the pupil was:
7. Other information in support of the student was:
8. Assistant Superintendent noted that during the pre-expulsion meeting which was held on ____ Date, 2013, the site administration requested that Name's suspension be extended until the expulsion hearing as his/her presence at school represents a danger to others and would be extremely disruptive to the instructional process; this request was granted.

II. SCHOOL SITE REFERRAL - SUMMARIZED:

On Date, 2013, Name was suspended for five (5) school days.

III. DRB RECOMMENDATION:

Other means of correction have repeatedly failed to bring about proper conduct and are not feasible/or Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others. Therefore, it is the recommendation of the District Discipline Review Board that Name be expelled from school for the remainder of the 2013-2014 school year for violation of Education Code 48900, subsections (). The earliest date that he/she or the parent/guardian may apply in writing to the District Discipline Review Board to re-enroll in an educational program within the Lammersville Unified School District, has been established as **DATE**. During the expulsion period, he/she will be referred to the San Joaquin County Alternative Program.

In addition, at the time he/she applies for readmission to an educational program in Lammersville Unified Schools, the following conditions must be met:

1. He/she must have successfully demonstrated good behavior, academic performance, and regular attendance in the program. While he/she attends the program he/she must earn a minimum of five (5) credits per month and maintain a 2.0 Grade Point Average (GPA).
2. He/she must not violate Education Code 48900, subsections (a) through (r) related to school attendance.
3. He/she must provide a positive letter from his/her teacher/administrator recommending his/her reinstatement to Lammersville Unified School District.

Anger Management Recommended by Panel: Yes _____ No _____

BOOKS AND/OR CHROMEBOOK RETURNED: Yes _____ No _____

D.D.R.B. MEMBERS:

Ayes:

Nays:

Non-voters: ; , District Office.

OTHERS PRESENT:

pc: Principal

Asst. Principal

CUM

File

EXPULSION – WAIVED HEARING - FINDINGS OF FACT

Name _____ LUSD Expulsion Date _____

Grade _____ School _____

DOB _____ Student ID# _____

CASE #13-14/# - Waiver of Hearing

It was determined on **day, , 2013, that Name has violated Education Code 48900, subsection:

I. HEARING INFORMATION:

1. Attendance:

Grades:

Discipline:

2. Parent and student signed the Waiver of Expulsion Hearing document on DATE, 2013.

II. SCHOOL SITE REFERRAL - SUMMARIZED:

On DATE, 2013, NAME was suspended for five (5) school days.

III. DRB RECOMMENDATION:

Wording: Therefore, it is the recommendation of the District Discipline Review Board that NAME be expelled from school for the remainder of the 2013-2014 school year for violation of Education Code 48900, subsections (). The earliest date that he/she or the parent/guardian may apply in writing to the District Discipline Review Board to re-enroll in an educational program within the Lammersville Unified School District, has been established as **DATE**. During the expulsion period, he/she will be referred to the San Joaquin County Alternative Program.

In addition, at the time he/she applies for readmission to an educational program in Lammersville Unified Schools, the following conditions must be met:

1. He/she must have successfully demonstrated good behavior, academic performance, and regular attendance in the program. While he/she attends the program he/she must earn a minimum of five (5) credits per month and maintain a 2.0 Grade Point Average (GPA).
2. He/she must not violate Education Code 48900, subsections (a) through (r) related to school attendance.
3. He/she must provide a positive letter from his/her teacher/administrator recommending his/her reinstatement to Lammersville Unified School District.

Anger Management Required: Yes _____ No _____

pc: Principal
Asst. Principal
CUM
file

EXPULSION LETTER

DATE

Mr. & Mrs.

Dear Mr. & Mrs.

This notice is given pursuant to the requirement of Education Code Section 48918 to inform you of the following:

1. There will be an expulsion hearing before the District Disciplinary Review Board (DRB) on ___ date, 2013, at 0:00 p.m. in the Board Room located in the District Office at 111 De Anza Blvd., Mountain House, Ca 95391, concerning your child, name. It is extremely important for the student, as well as the student's parents or guardian to attend the hearing.

The DRB will review the evidence in support of and in opposition to the expulsion and will make a recommendation to the Lammersville Unified School District Board (LUSD Board). The LUSD Board will then review the DRB recommendation and will make a decision regarding the expulsion.

Formal rules of evidence will not apply here but I will keep these proceedings in order. Hearsay evidence is admissible but it is not sufficient by itself to support a finding. Findings must be supported by some direct evidence.

The district has the burden of proving the allegations in the notice of hearing letter. The district will present its case first then the case for the student may be presented.

If you request in writing to the District Superintendent at least five days prior to the hearing, for a postponement of the hearing, the hearing will be postponed to a later date. The student/parent shall be entitled to one postponement for a period of not more than thirty (30) calendar days. Thereafter, any additional postponement may be granted at the discretion of the governing board.

The recommendation to expel is based on the violation of Education Code Section 48900, subsection:

2. You have the right to be present at the hearing on ___, date, 2013 to be represented by legal counsel, or by a non-attorney advisor, or support and to obtain copies of all documents to be used at the hearing, to confront and question all other evidence presented, and to present oral and documentary evidence on the pupil's behalf, including witnesses. If you should decide to retain legal counsel please contact the Student Services Office and advise them of this decision at least 5 days prior to the hearing.
3. The facts were discussed with you at the pre-expulsion conference held on DATE

4. You have the opportunity to request that the expulsion hearing be public rather than a private hearing by so requesting in writing to the District Superintendent at least five days prior to the date of the hearing.
5. Should your child be expelled, and should you decide to enroll him in another school district, please be advised that it is the responsibility of the student/parent to inform the new school district that the pupil has been expelled from the Lammersville Unified School District.
6. Should your child be expelled you are advised that your appeal opportunity to the County Board of Education will be within thirty (30) calendar days following the ruling by the LUSD Board.

If you have any questions, please call my office at (209)836-7400.

Sincerely,

Khushwinder Gill, Ed. D.

Assistant Superintendent

pc: File

PROBATION 1 SAMPLE

TO: Khushwinder Gill, Assistant Superintendent

FROM: *Your Name, Principal or Vice Principal, Your School*

DATE:

SUBJECT: Alcohol/Marijuana Referral

RE: *John Doe*

Parents: Mr. & Mrs. Doe

Birthdate:

Address: _____

Age: _____ Grade: _____ Phone: _____ Email: _____

See attached referral and suspension dated.....

On DATE, John Doe was suspended from school for * (*) school day(s) for being in possession/or under the influence of, thus violating Education Code 48900, subsection:

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

John was under the influence of marijuana while attending a football game on Friday, DATE. Officer Pedersen, T.P.D. did a field test and confirmed that John was under the influence.

RECOMMENDATION:

John is being recommended for Probation for 48900 (c). The condition of this probation shall include a nine-week restriction from all social and extra curricular activities through DATE. In addition mandatory participation in a drug education program for six (6) weeks will be required. Failure to complete any of the conditions of the probation will result in referral to the District Discipline Review Board and a recommendation for expulsion. If he violates Ed. Code 48900 subsection (c) he will be recommended for expulsion.

Cc: file

Principal

Prevention Services

PROBATION 2 SAMPLE

TO: Khushwinder Gill, Assistant Superintendent
FROM: *Your Name, Principal or Vice Principal, Your School*
DATE:
SUBJECT: Referral to District Discipline Review Board for Expulsion
RE: *John Doe*

Parents: Mr. & Mrs. Doe Birthdate: _____
Address: _____
Age: _____ Grade: _____ Phone: _____ Email: _____

See attached referral and suspension dated.....

On DATE, John Doe was suspended from school for five (5) school days for failing to complete his community service hours (or he had a 2nd (c) violation) thus violating Education Code 48900, subsection:

- (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.

On DATE, John Doe was suspended from school for *(*) school day(s) for being in possession/or under the influence of, thus violating Education Code 48900, subsection:

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

He was placed on Probation I and required to complete community service and counseling.

The Site Administration recommends that (). John should be expelled from school for the remainder of the 2007-2008 school year for violation of Education Code 48900, subsection (k) and (c); then suspend the expulsion and allow him to remain in school on probation. John will be on Probation II for Education Code 48900, subsections (a) through (q). John will be required to complete 18 weeks of social/activity restriction. If John receives more than four (4) days of suspension for Ed. Code 48900, subsections (a) through (q), his full expulsion will be reinstated.

If this were to occur he would be referred to the San Joaquin County Alternative Program or other alternative placement, where he would be expected to earn five (5) credits per month, maintain a 2.0 Grade Point Average (GPA), and have good attendance and behavior. The earliest date he may apply to return to Lammersville Unified Schools would be the last day of the expulsion period.

John will be subject to search and seizure at any time while on school grounds or at any school related activity.

PROBATION - FINDINGS OF FACT (Document to the Governing Board)

Name _____ LUSD Expulsion Date _____

Grade _____ School _____

DOB _____ Student ID# _____

CASE #13-14/**

We, the Lammersville Unified Schools District Disciplinary Review Board, determined on Thursday, , 2013, that ***** has violated Education Code 48900, subsection:

I. HEARING INFORMATION:

- 1.
- 2.
- 3.
- 4.
- 5.

II. SCHOOL SITE REFERRAL - SUMMARIZED:

On **, 2013, ** was suspended for five (5) school days for violation of Education Codes:

III. DRB RECOMMENDATION:

Other means of correction are not feasible/have repeatedly failed to bring about proper conduct. Therefore, it is the recommendation of the District Discipline Review Board that *** be expelled from school for the remainder of the 2013-2014 school year for violation of Education Code 48900, subsection (*); then suspend the expulsion allowing him/her to remain in school on probation for Education Code 48900, subsections (a) through (r). If he/she receives three (3) days of suspension during the suspended expulsion period his/her **full** expulsion will be reinstated.

If his/her suspended expulsion is violated, he/she will be referred to the San Joaquin

County Alternative Program and the earliest date that he/she or the parent/guardian may apply in writing within the Lammersville Unified School District will be established as *****.

In addition, at the time he/she applies for readmission to an educational program in Lammersville Unified Schools, the following conditions must be met:

Name

1. He/she must have successfully demonstrated good behavior, academic performance, and regular attendance in the program. While he/she attends the program, he/she must earn a minimum of five (5) credits per month and maintain a 2.0 Grade Point Average (GPA).
2. He/she must not violate Education Code 48900, subsections (a) through (r) related to school attendance.
3. He/she must provide a positive letter from his/her teacher/administrator recommending his/her reinstatement to Lammersville Unified School District.

Anger Management Required by Panel: Yes _____ No _____

D.D.R.B. MEMBERS:

Ayes:

Nays:

Non-voters:

District Office Staff:

OTHERS PRESENT:

pc: Principal

Asst. Principal

CUM

file

PROBATION –WAIVED HEARING - FINDINGS OF FACT

Name _____ LUSD Expulsion Date _____

Grade _____ School _____

DOB _____ Student ID# _____

CASE #13-14/# - Waiver of Hearing

It was determined on day, _____, 2013 that **Name** has violated Education Code 48900, subsection:

I. HEARING INFORMATION:

1. Attendance:

Grades:

Discipline:

2. Parent and student signed the Waiver of Expulsion Hearing document on _____, 2013.

II. SCHOOL SITE REFERRAL - SUMMARIZED:

On **, 2013 ** was suspended for five (5) school days.

III. DRB RECOMMENDATION:

Other means of correction are not feasible. Therefore, it is the recommendation of the District Discipline Review Board that *** be expelled from school for the remainder of the 2013-2014 school year for violation of Education Code 48900, subsection (*); then suspend the expulsion allowing him/her to remain in school on probation for Education Code 48900, subsections (a) through (r). If he/she receives three (3) days of suspension during the suspended expulsion period his/her **full** expulsion will be reinstated.

If his/her suspended expulsion is violated, he/she will be referred to the San Joaquin

County Alternative Program and the earliest date that he/she or the parent/guardian may apply in writing within the Lammersville Unified School District will be established as *****.

In addition, at the time he/she applies for readmission to an educational program in Lammersville Unified Schools, the following conditions must be met:

1. He/she must have successfully demonstrated good behavior, academic performance, and regular attendance in the program. While he/she attends the program, he/she must earn a minimum of five (5) credits per month and maintain a 2.0 Grade Point Average (GPA).

Name

2. He/she must not violate Education Code 48900, subsections (a) through (r) related to school attendance.
3. He/she must provide a positive letter from his/her teacher/administrator recommending his/her reinstatement to Lammersville Unified School District.

Anger Management Required: Yes _____ No _____

pc: Principal

Asst. Principal

CUM

file

PROBATION 1 LETTER

DATE

Mr. & Mrs.

From: , Assistant Superintendent

Dear Mr. & Mrs.

On DATE the District Discipline Review Board (DRB) of Lammersville Unified Schools found that the procedures provided by law concerning suspension and expulsion has been appropriately followed concerning your child, *****. After careful consideration of all evidence, both written and oral, the Board recommends that he/she be expelled based on the finding that he/she violated Education Code 48900, subsection:

Exact wording from the DRB Hearing.

(Other means of correction are not feasible***. Therefore we recommend that the student be expelled from school for the remainder of the 2013-2014 school year for violation of Education code 48900 subsection ***; then suspend the expulsion allowing the student to remain in school on probation. He/she will be on probation for Education Code 48900, subsections (a) through (r). If he/she receives four (4) days of suspension during the suspended expulsion period, his/her **full** expulsion will be reinstated.

If his/her expulsion is reinstated, he/she will be referred to the San Joaquin County Alternative Program and the earliest date that the student or the parent/guardian may apply in writing to the District Discipline Review Board to re-enroll in an educational program within the Lammersville Unified School District, will be established as ****DATE.

In addition, at the time the student applies for readmission to an educational program in Lammersville Unified Schools, the following conditions must be met:

1. The student must have successfully demonstrated good behavior, academic performance, and regular attendance in the program. While the student attends the program, he/she must earn a minimum of five (5) credits per month and maintain a 2.0 **Academic** Grade Point Average (GPA).
2. The student must not violate Education Code 48900, subsections (a) through (r) related to school attendance.
3. The student must provide a positive letter of recommendation from his/her teacher/administrator recommending his/her reinstatement to Lammersville Unified School District.

Should you decide to enroll your child in another school district, please be advised that it is the responsibility of the student or parent/guardian to inform the new school district that the pupil is under an expulsion order.

Please note that The Lammersville Unified School District Board of Trustees (LUSD Board) will take action on the Discipline Review Board's recommendations on Tuesday, *DATE *, in closed session. If your child is expelled from school, you may, within 30 days, file an appeal to the County Board of Education.

If you have any questions, please call my office at (209)836-7400.

Sincerely,

Khushwinder Gill

Assistant Superintendent

pc: File

PROBATION 2 LETTER

DATE

NAME

ADDRESS

Dear

At its meeting of *****, the Lammersville Unified School District Board of Trustees' (LUSD) upheld the recommendation made by the District Discipline Review Board (DRB) that your child, ***, be expelled based on the findings that he/she violated Education Code Section 48900, subsection:

Wording from Findings. Therefore, *** is **placed on a suspended expulsion** for the remainder of the 2013-2014 school year for violation of Education Code 48900, subsection *; then suspend the expulsion allowing him/her to remain in school on probation for Education Code 48900, subsections (a) through (r). If he/she receives more than three (3) days of suspension during the suspended expulsion period for violation of Education Code 48900, subsections (a) through (r), his/her **full** expulsion would be reinstated. If his/her suspended expulsion is violated, he/she will be referred to the San Joaquin County Alternative Program (or an appropriate placement) and the earliest date that the student or the parent/guardian may apply in writing to the District Discipline Review Board to re-enroll in an educational program within the Lammersville Unified School District will be established as Date

In addition, at the time he/she applies for readmission to an educational program in Lammersville Unified Schools, the following conditions must be met:

1. He/she must have successfully demonstrated good behavior, academic performance, and regular attendance in the program. While he/she attends the program, he/she must earn a minimum of five (5) credits per month and maintain a 2.0 **Academic** Grade Point Average (GPA).
2. He/she must not violate Education Code 48900, subsections (a) through (r) related to school attendance.

You may appeal this decision to the County Board of Education within thirty (30) days after the Board of Education's decision. If you wish to appeal, please contact the Assistant Superintendent of County Operated Schools and Programs, 2901 Arch-Airport road, P.O. Box 213030, Stockton, CA. 95213-9030, (209) 468-9107. Should you decide to enroll your child in another school district, please be advised that it is the student or parent/guardian's responsibility to inform the new school district that the pupil has been expelled from the Lammersville Unified School District.

Sincerely,

Khushwinder Gill

Assistant Superintendent

pc: File

PROBATION WAIVER LETTER

DATE

NAME

ADDRESS

Tracy, CA 95376

Dear

After carefully considering all findings of fact and recommendations submitted at its meeting of *****, the Lammersville Unified School District Board of Trustees' (LUSD) decision is that your child, ***, be expelled based on the findings that he/she violated Education Code Section 48900, subsection:

Wording from Findings. Therefore, *** is expelled for the remainder of the 2013-2014 school year for violation of Education Code 48900, subsection *; then suspend the expulsion allowing him/her to remain in school on probation for Education Code 48900, subsections (a) through (r). If he/she receives more than three (3) days of suspension during the suspended expulsion period for violation of Education Code 48900, subsections (a) through (r), his/her **full** expulsion would be reinstated.

If his/her suspended expulsion is violated, he/she will be referred to an appropriate placement and the earliest date that the student or the parent/guardian may apply in writing to the District Discipline Review Board to re-enroll in an educational program within the Lammersville Unified School District will be established as

In addition, at the time he/she applies for readmission to an educational program in Lammersville Unified Schools, the following conditions must be met:

1. He/she must have successfully demonstrated good behavior, academic performance, and regular attendance in the program. While he/she attends the program, he/she must earn a minimum of five (5) credits per month and maintain a 2.0 **Academic** Grade Point Average (GPA).
2. He/she must not violate Education Code 48900, subsections (a) through (r) related to school attendance.
3. He/she must provide a positive letter from his/her teacher/administrator recommending his/her reinstatement to Lammersville Unified School District.

Should you decide to enroll your child in another school district, please be advised that it is the student or parent/guardian's responsibility to inform the new school district that the pupil has been expelled from the Lammersville Unified School District.

If you need further assistance in enrolling in another school district, please contact my office at 836-7400.

Sincerely,

Khushwinder Gill, Ed. D.

Assistant Superintendent

pc: File

APPLICATION FOR REINSTATEMENT

Name _____ LUSD Expulsion Date _____

Grade _____ School _____

DOB _____ Student ID# _____

AR#14-15/#

We the Lammersville Unified Schools District Discipline Review Board, met on ____, DATE, 2014, to consider Name's request to re-enroll in Lammersville Unified Schools after being expelled on DATE, for violation of Education Code 48900, subsection:

Please refer to the attached Findings of Fact. (#)

1. During the time that NAME was expelled from school, he/she attended
- 2.
- 3.
- 4.
5. The District Discipline Review Board members felt that NAME has/has not met the criteria to return to Lammersville Unified Schools.

RECOMMENDATION: It is the decision of the District Discipline Review Board that NAME not/be allowed to return to Lammersville Unified Schools at this time. He/She is referred

D.D.R.B. MEMBER PRESENT:

OTHERS PRESENT:

Assistant Superintendent

cc: Student File

APPLICATION FOR ENROLLMENT

AFE#14-15

Name _____ LUSD Expulsion Date _____

Grade _____ School _____

DOB _____ Student ID# _____

We the Lammersville Unified Schools District Discipline Review Board, met on **day, **date, to consider **** request to have **their ***, *****, enroll in Lammersville School District after being expelled on **date** from **district, for violation of Education Code 48900, subsections:

Please refer to the attached Findings of Fact.

1. **** was expelled from the **** School District for **

- 2.

RECOMMENDATION: It is the recommendation of the District Discipline Review Board that **** be allowed to enroll in Lammersville Unified School District for the 2014-2015 school year and attend *** under the following conditions:

D.D.R.B. MEMBERS PRESENT:

OTHERS PRESENT:

PEH:dn

cc **Principal**

file

VERIFICATION OF RECEIPT OF MATERIALS

This is to verify that I, _____, have received the following materials:

1. _____ Student Conduct Code
2. _____ Education Code sections regarding expulsion & suspension
3. _____ Evidence to be presented at the expulsion hearing
4. _____ Information regarding written notice for 30-day postponement option

Parent/Guardian Signature

Date

10-DAY WAIVER NOTICE

I, _____, agree to waive my rights to the ten day notice as prescribed by law and have the expulsion hearing regarding my son/daughter, _____, on _____.

Parent Signature

Date

VERIFICATION OF RECEIPT OF MATERIALS – Spanish

La presente es para verificar que yo, _____,

he recibido lo siguiente:

- 1. Código de Conducta Estudiantil
- 2. Secciones del Código de Educación con respecto a expulsión y a suspensión
- 3. La evidencia que será presentada en la audiencia de expulsión
- 4. La información con respecto al aviso por escrito para la opción de posponer por 30 días

Firma del Padre/Tutor

Fecha

10-DAY WAIVER NOTICE (Spanish)

El que suscribe, _____, está de acuerdo en

rehusar sus derechos a los diez días prescritos por la ley y comparecer a la audiencia de expulsión con respecto a mi hijo/hija, _____,

el _____.

Firma de los Padres

Fecha