



ADMINISTRATIVE PROCEDURE

CATEGORY: **Students, Discipline**

SUBJECT: **Expulsion**

1. PURPOSE AND SCOPE

- 1. To outline district procedures governing expulsion of a student from school.
- 2. **Related Procedures:**
 - Alcohol, tobacco, and other drugs 6298
 - Release of directory-type student information 6525
 - Short-term contract independent study 4316
 - Student records, retention and destruction 6520
 - Suspension 6290

2. LEGAL AND POLICY BASIS

- 1. **Reference:** Board policy: A-3700, F-3100, F-6000, H-5000, H-6000, H-6800, H-6900, H-6940, H-6950, H-8900; Education Code Sections 48900 *et seq.*, 49079; California Code of Regulations, Title 5, Section 305; Penal Code Section 12001(b); 18 United States Code Section 921.
- 2. **District Policy.** The Board of Education will firmly and promptly support school principals, vice principals, counselors, teachers, and students in maintaining good discipline in schools and at all school-sponsored activities.
- 3. All students shall comply with the regulations, pursue the required course of study, and submit to the authority of teachers (Education Code Section 48908).

3. GENERAL

- 1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Placement and Appeal Office, Student Services Division, Deputy Superintendent of Academics.
- 2. **Definitions**
 - a. **Superintendent’s designee:** For purposes of this procedure, the Placement and Appeal Legal Specialist or Director, unless specified otherwise within this procedure.
 - b. **Principal’s designee:** An administrative employee designated by the principal, in writing, to assist with disciplinary procedures. A second person also shall be designated by the principal, in writing, to serve as designee when the principal

and the primary designee are absent from the school site. These names must be on file in the principal's office. The principal must annually record designations.

- c. **Suspension:** Temporary removal of a student from ongoing instruction at the school site for the purposes of adjustment, as outlined in Procedure 6290. The following *do not* constitute formal suspension:
- (1) Reassignment to another educational program or class at the same school.
 - (2) Referral to a district employee designated by the principal to advise students.
 - (3) Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or principal's designee for appropriate action. Removal from a particular class shall not occur more than once every five (5) school days.
 - (4) Reassignment to an independent study program pursuant to Procedure 4316.
- d. **Expulsion:** Removal of a student from the immediate supervision and control, or general supervision, of school personnel. An expelled student may not participate in any district program or activity, including any independent study program; however, the student may be eligible to attend a community day school program.
- e. **Suspended expulsion:** Setting aside an expulsion contingent upon fulfillment of certain conditions. Upon recommendation of the Expulsion Review Panel, a student whose expulsion is suspended pursuant to Education Code Section 48917 may be assigned by the Board of Education to a school, alternative school, class, independent study program, or program deemed appropriate for the student's rehabilitation. During the period of the suspended expulsion, the student is deemed to be on probationary status. Upon satisfactory completion of the rehabilitation assignment by the student, the Board of Education shall reinstate the student in a district school and also may order the expungement of any and all records of the expulsion proceedings.
- f. **Day:** One (1) calendar day unless specified otherwise.
- g. **School day:** A day when schools of the district are in session, or weekdays during summer recess.

3. **Grounds for Suspension and/or Expulsion.** A student shall not be recommended for expulsion unless the superintendent or principal of the school in which the student is enrolled determines that the student has committed one of the following acts:

*Code No.

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| a. | Assault/Battery. Includes caused, attempted to cause physical injury, or threatened to cause physical injury to another person (including school employees); willfully used force or violence upon the person of another, except in self-defense; also included are attempted sexual assault, sexual assault, and sexual battery. | 01 |
| b. | Weapons. Possessed, sold or otherwise furnished any firearm, replica firearm, knife, explosive, or other dangerous object, or used any object in a threatening manner | 02 |
| c. | Alcohol/Intoxicants/Controlled Substances. Includes unlawfully possessed, used, sold, or furnished, or under the influence of alcohol, intoxicants, or controlled substances. | 03 |
| d. | Substance in Lieu of Alcohol/Intoxicants/Controlled Substance. Delivered, furnished, and/or sold items that were claimed to be alcohol, intoxicants, or controlled substances, but were not such items. | 04 |
| e. | Robbery/Extortion. Committed or attempted to commit robbery or extortion. | 05 |
| f. | Damage to Property. Caused or attempted to cause damage to school property or private property. | 06 |
| g. | Theft of Property. Stole or attempted to steal school property or private property, or received stolen property. | 07 |
| h. | Tobacco or Nicotine Products. Possessed, furnished, or used any item containing tobacco or nicotine products. A fourth offense requires an expulsion referral. | 08 |
| i. | Obscenity/Profanity/Vulgarity. Committed an obscene act | 09 |

or engaged in habitual profanity or vulgarity.

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| j. | Drug Paraphernalia. Possessed, offered, arranged or negotiated to sell any drug paraphernalia. | 10 |
| k. | Disruption/Defiance. Disrupted school activities or willfully defied the authority of school personnel. | 11 |
| l. | Sexual Harassment (Grades 4-12). Made unwelcomed sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature sufficiently severe, or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. | 13 |
| m. | Hate Violence (Grades 4-12). Caused, threatened to cause, attempted to cause, or participated in such acts of hate against persons or property. | 14 |
| n. | Threats and Intimidation. Harassed, intimidated, or threatened a pupil who is a witness in a disciplinary proceeding to prevent the pupil from being a witness or as retaliation against the pupil for being a witness; written or verbal threat against a school official, or threats to cause major property damage; bullying (including electronic acts). | 15 |
| o. | Harassment (Grades 4-12). Harassed, intimidated, or threatened a pupil or group of pupils or school personnel with actual or expected effect of disrupting class work, or creating substantial disorder, or creating an intimidating or hostile educational environment. | 17 |
| p. | Hazing. Engaged in, or attempted to engage in, hazing as defined in subdivision (b) of Section 245.6 of the Penal Code. | 18 |

* Numbers used on "Report on Suspension" (E.1-E.5) to indicate cause for suspension.

4. A student may be suspended or expelled for those acts listed above and related to school activity or attendance that occur at any time, including, but not limited to any of the following:

- a. While on school grounds.
- b. While going to or from school.
- c. During lunch period, on or off campus.
- d. During, or while going to or from, a school-sponsored activity.

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

5. **Principal's Authority to Suspend.** (Procedure 6290)
6. **Extension of Period of Suspension.** When an expulsion is being processed by the Board of Education, the superintendent or other person(s) designated by the superintendent in writing, may extend a suspension until the Board of Education renders a decision in the action (Education Code Section 48911[g]). An extension may be granted only if the superintendent or designee has determined, following a meeting in which the student and the student's parent/guardian are invited to participate, that the student's presence at that school or in an alternative school placement would cause a danger to persons or property, or a threat of disrupting the instructional process.
7. **Mandatory Expulsion Offenses Pursuant to Education Code Section 48915(c), Zero Tolerance (All Students).** The school principal or designee must immediately suspend and recommend for expulsion a student that he/she determines has committed any of the following acts at school or at a school activity off school grounds:
 - a. **Possessing, selling or otherwise furnishing a firearm**
 - (1) The act of possessing the firearm must be verified by a district employee.
 - (2) A "firearm" is defined, under 18 United States Codes Section 921, as:
 - (a) Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.
 - (b) The frame or receiver of any weapon described above.

- (c) Any firearm muffler or firearm silencer.
 - (d) Any destructive device, which includes:
 - 1) Any explosive, incendiary, or poison gas (e.g., bomb, grenade, rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine or similar device).
 - 2) Any weapon which will, or may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has a barrel with a bore of more than one-half inch in diameter.
 - 3) Any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled.
 - 4) Antique firearms are not included in the definition, nor are Class-C common fireworks.
 - b. **Brandishing a knife at another person.** As used in this section, “knife” means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3½ inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.
 - c. **Unlawfully selling a controlled** substance listed in Health and Safety Code Sections 11053 *et seq.*
 - d. **Committing or attempting to commit a sexual assault** as defined in subdivision (n) of Education Code Section 48900 or committing sexual battery as defined in subdivision (n) of Education Code Section 48900.
 - e. **Possession of an explosive** as described in Section 921 of Title 18 of the United States Code.
8. **Upon recommendation by the principal, superintendent of schools,** or by a hearing officer or administrative panel appointed pursuant to C.18.c., the Board of Education shall order a student expelled upon finding that the student committed any of the acts described in this section. All five (5) of the above-noted mandatory

expulsion recommendations approved by the Board of Education will be for a period of one (1) year, except that the Board of Education may set an earlier date for readmission on a case-by-case basis.

9. **Mandatory Expulsion Offenses Pursuant to District Policy-Zero Tolerance (Secondary Students)**

- a. **Weapons, violent acts and repeated fighting.** The school principal or designee shall suspend and recommend for expulsion all students who possess a firearm, knife, explosive, or any other dangerous object in school. In addition, the principal shall suspend and recommend for expulsion all students who are involved in three (3) or more incidents of fighting that inflicts injury within one (1) year. This policy shall apply to middle, junior high, and senior high school students. For purposes of Zero Tolerance, an object used in a threatening manner shall be considered a weapon even if its normal use is not as a weapon. The principal shall immediately notify the Placement and Appeal Office of the suspension and initiate an investigation for possible expulsion. In cases where students violate Penal Codes pertaining to weapons, School Police or San Diego Police must be notified.
 - b. **Alcohol, tobacco, and other drugs.** The district's substance abuse policy specifies a recommendation for expulsion with the first incident of furnishing, selling, or possession of an amount determined to be for more than personal use, and the third violation involving use and possession of any dangerous or prohibited substance, other than tobacco; upon the fourth violation of the policy involving tobacco, the student will be suspended five (5) days with a recommendation for expulsion.
10. **Expulsion-Pursuant to Education Code Section 48915(a).** The school principal or designee shall suspend and recommend for expulsion a student who has committed any of the following acts at school or at a school activity off school grounds.
- a. **Causing serious physical injury** to another person, except in self-defense.
 - b. **Possession of any knife, explosive,** or other dangerous object of no reasonable use to the student.
 - c. **Third offense of possession** and/or use of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code (see Procedure 6298).
 - d. **Robbery or extortion.**

- e. **Assault or battery**, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.
11. **Upon recommendation by the principal, superintendent, or by a hearing officer or administrative panel appointed pursuant to C.18.c.**, the Board of Education may order a student expelled upon finding that the student committed an act for which a student may be suspended and recommended for expulsion, other than those described in C.7.a. through C.7.e., and either of the following applies to the student:
- a. Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
 - b. Due to the nature of the act or violation, the presence of the student causes a continuing danger to the physical safety of the student or others.
12. **At the time an expulsion of a student is ordered** for an act other than those described in C.7.a. through C.7.e., the Board of Education shall set a date, not later than the last day of the semester following the semester in which the expulsion occurred, when the student shall be reviewed for readmission to a district school or the last school attended by the student.
13. **Students with Exceptional Needs**
- a. **Manifestation determination.** In a matter involving a student identified with exceptional needs who is currently enrolled in a special education program, the Board of Education may order the student expelled, only if the board also finds, based upon a determination by an Individualized Education Program (IEP) team, that:
 - (1) The student's conduct was not caused by, or did not have a direct and substantial relationship to, the child's disability.
 - (2) The student's conduct was not the direct result of the district's failure to implement the IEP.
14. **If the IEP team or other qualified district personnel** determine that any of the standards described in C.13.a.(1) through C.13.a.(2) were not met, the behavior must be considered a manifestation of the student's disability.
- a. **Notification of rights.** The student's parent/guardian must immediately be notified of the decision to recommend expulsion. In addition, the student's

parent/guardian must be provided the procedural safeguards notice and informed of his/her right to participate in the IEP team meeting.

- b. **Notification and scheduling of IEP team meeting.** The IEP team meeting must be held within ten (10) school days of the decision to recommend expulsion and at a time and place mutually convenient to the parent/guardian and school personnel. A telephone conference call may be substituted for the IEP team meeting. In addition, parent/guardian must be notified of his/her right to participate in the IEP team meeting.
 - c. **IEP team considerations**
 - (1) The IEP team must consider, in terms of the behavior subject to expulsion, all relevant information, including evaluation and diagnostic results, results or other relevant information supplied by the parents/guardians of the student, observations of the student, and the student's IEP and placement.
 - (2) In addition, the IEP team must develop an assessment plan, if necessary, whenever a functional behavioral assessment or behavior intervention plan was not conducted of or implemented for the student before the behavior subject to expulsion. If the student already has a behavioral intervention plan, the IEP team must review the plan and its implementation, and modify the plan and its implementation, as necessary, to address the behavior.
15. **Students not yet eligible for special education and related services.** A student who has not been determined to be eligible for special education and related services and has been recommended for expulsion, may assert any of the protections under C.14.a. through C.14.c., if school personnel had knowledge that the student was a student with a disability before the behavior that precipitated the recommendation for expulsion occurred. School personnel will be deemed to have knowledge that a student is a student with a disability if any of the following occurred:
- a. The parent/guardian expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the student, that the student is in need of special education and related services; or
 - b. The parent/guardian requested an evaluation of the student; or

- c. The teacher of the student, or other personnel of the District, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the director of special education of the district or to other supervisory personnel of the district.

16. Students Eligible for Services Under Section 504 of the Rehabilitation Act of 1973

- a. **Manifestation determination.** In a matter involving a student eligible for services under Section 504 of the Rehabilitation Act of 1973, the Board of Education may order the student expelled, only if the board also finds, based upon a determination by an instructional study team (IST), that the student's behavior was not a manifestation of the student's disability.

17. Rules Governing Expulsion Procedures

- a. Within thirty (30) school days of the principal's or designee's determination that the student has committed an offense for which he/she may be expelled, the student is entitled to a hearing to determine whether the student should be expelled.
 - (1) The student is entitled to one (1) postponement of an expulsion hearing for a period of not more than thirty (30) calendar days; any additional postponement may be granted at the discretion of the Board of Education or its designee.
 - (2) If compliance by the Board of Education with the time requirements for conducting an expulsion hearing is impracticable during the regular school year, the superintendent or designee may, for good cause, extend the time period for holding the expulsion hearing for five (5) additional school days. Reasons for that extension of time shall be included as a part of the record when the expulsion hearing is conducted.
 - (3) If compliance by the Board of Education with the time requirements for conducting an expulsion is impracticable due to a summer recess of board's meetings of more than two (2) weeks, the days during the recess period shall not be counted as school days in meeting the time requirements. The days not counted as school days in meeting the time requirements for an expulsion hearing because of a summer recess of board meetings shall not exceed twenty (20) school days, as defined under C.2.g., and unless the student requests in writing that the expulsion

hearing be postponed, the hearing shall be held not later than twenty (20) calendar days prior to the first day of school for the school year. Reasons for that extension of time shall be included as a part of the record when the expulsion hearing is conducted.

- (4) Upon commencement of the hearing, matters shall be pursued and conducted with reasonable diligence and concluded without any unnecessary delay.
- b. Written notice of the hearing shall be forwarded to the student at least ten (10) calendar days before the hearing date. The notice shall include:
- (1) Date and place of the hearing.
 - (2) The specific facts and charges upon which the proposed expulsion is based.
 - (3) A copy of the district disciplinary rules which relate to the alleged violation.
 - (4) The opportunity for the student or student's parent/guardian to appear in person or to employ and be represented by counsel.
 - (5) The right to inspect and obtain copies of all documents to be used at the hearing.
 - (6) The opportunity to confront and question all witnesses who testify at the hearing and to question all other evidence presented.
 - (7) The opportunity to present oral and documentary evidence on the student's behalf, including witnesses.
- c. **Expulsion Review Panel.** In lieu of conducting expulsion hearings itself, certificated managers and school vice principals shall serve as an impartial Expulsion Review Panel consisting of at least three (3) certificated people, none of whom are employed on the staff of the school in which the student is enrolled.
- (1) The Expulsion Review Panel shall include a presiding officer and two (2) other members.

- (2) The Expulsion Review Panel shall conduct a hearing to consider the recommendation to expel a student in a session closed to the public, unless the student or student's parent/guardian submits a written request to the Placement and Appeal Legal Specialist/Director, at least five (5) days prior to the hearing date, that the hearing be conducted in public. Regardless of whether the expulsion hearing is conducted in a closed or public session, the Expulsion Review Panel may meet in closed session to deliberate and to determine whether to recommend expulsion of a student.
- (3) Except as provided in this section, no decision to expel shall be based solely upon hearsay evidence.
 - (a) The Board of Education or the Expulsion Review Panel may, upon a finding that good cause exists, determine that disclosure of the identity of a witness and the testimony of that witness at the hearing would subject the witness to unreasonable risk of harm. Upon this determination, testimony of the witness may be presented at the hearing in the form of sworn declarations which shall be examined only by the board or the panel.
 - (b) Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the student.
- (4) A record of the hearing shall be made. The record may be maintained by any means, including electronic recording, so long as a reasonably accurate and complete written transcription of the proceedings can be made.
- (5) Technical rules of evidence shall not apply to the hearing, but relevant evidence may be admitted and given probative effect if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. A decision of the Board of Education to expel shall be supported by substantial evidence showing that the student committed any of the acts enumerated in Education Code Section 48900.
- (6) If the Expulsion Review Panel admits any other person to a closed deliberation session, then the parent/guardian of the student, the student, and the counsel of the student shall be allowed to attend the closed deliberation.

- (7) Within three (3) school days following the hearing, the Expulsion Review Panel shall determine whether to recommend expulsion of the student to the Board of Education.
 - (8) If the Expulsion Review Panel decides *not to recommend expulsion*, expulsion proceedings shall be terminated.
 - (a) The student shall be immediately reinstated and permitted to return to a classroom instructional program, any other instructional program, a rehabilitation program, or a combination of these programs. Placement in one (1) or more of these programs shall be made by the Placement and Appeal Office after consultation with school district personnel, including the student's teachers, and with the student's parent/guardian.
 - (b) The decision not to recommend expulsion is final.
 - (9) If the Expulsion Review Panel *recommends expulsion*, findings of fact in support of the recommendation shall be prepared and submitted to the Board of Education.
 - (a) All findings of fact and recommendations shall be based solely on evidence adduced at the hearing.
 - (b) If the Board of Education accepts the recommendation calling for expulsion, acceptance shall be based either upon a review of the findings of fact and the recommendations submitted by the Expulsion Review Panel, or upon the results of any supplementary hearing, conducted pursuant to this section, that the board may order.
- d. **Rules governing expulsion procedures involving allegations concerning sexual assault or sexual battery**
- (1) Whenever any allegation is made involving sexual assault or sexual battery the complaining witnesses and accused students are to be advised immediately to refrain from personal or telephonic contact with each other during the pendency of any expulsion.
 - (2) At the time that the expulsion hearing is recommended, the complaining witness shall be provided with a copy of this procedure and advised of his or her right to:

- (a) Receive five (5) days' notice of the complaining witness' scheduled testimony at the hearing.
 - (b) Have up to two (2) adult support persons of his/her choosing, present in the hearing at the time he/she testifies.
 - (c) To have the hearing closed during the time they testify.
- (3) An expulsion hearing may be postponed for one (1) school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness where the allegations involve sexual assault or sexual battery.
- (4) In a hearing in which a student is alleged to have committed or attempted to commit a sexual assault or committing a sexual battery, a complaining witness shall be given five (5) days' notice before being called to testify, and shall be entitled to have up to two (2) adult support persons, including, but not limited to, a parent, guardian, or legal counsel, present during their testimony. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential. Nothing in this subdivision shall preclude the presiding officer from removing a support person whom the presiding officer finds is disrupting the hearing. If one (1) or both of the support persons is also a witness, the provisions of Section 868.5 of the Penal Code shall be followed for the hearing.
- (5) The district shall provide a nonthreatening environment for a complaining witness in order to better enable them to speak freely and accurately of the experiences that are the subject of the expulsion hearing, and to prevent discouragement of complaints. The district shall provide a room separate from the hearing room for the use of the complaining witness prior to and during breaks in testimony. At the discretion of the presiding officer, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room. The presiding officer of the hearing may arrange the seating within the hearing room of those present in order to facilitate a less intimidating environment for the complaining witness. The person conducting the hearing may limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
- (6) If the hearing is to be conducted at a public meeting, and there is a charge of committing or attempting to commit a sexual assault or committing a

sexual battery, a complaining witness shall have the right to have his/her testimony heard in a session closed to the public when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.

- (7) In hearings that include an allegation of committing or attempting to commit a sexual assault or committing a sexual battery, evidence of specific instances of a complaining witness' prior sexual conduct is to be presumed inadmissible and shall not be heard without a determination by the person conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before the person conducting the hearing makes the determination on whether extraordinary circumstances exist requiring that specific instances of a complaining witness' prior sexual conduct be heard, the complaining witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.
- e. **Only the Board of Education may expel a student.** A decision of the Board of Education to expel a student shall be based upon substantial evidence relevant to the charges adduced at the expulsion hearing before the Expulsion Review Panel.
- (1) Final action to expel a student shall be taken only by the Board of Education in public session.
 - (2) The Board of Education may meet in closed session to deliberate and determine whether the Expulsion Review Panel's recommendation to expel should be adopted.
- f. **Expulsion orders**
- (1) An expulsion order shall remain in effect until such time as the Board of Education orders readmission of a student.

- (2) The Board of Education shall recommend a plan of rehabilitation for the student at the time of the expulsion order that may include, but not be limited to, periodic review and assessment at the time of application for readmission. The plan also may include recommendations for counseling, employment, community service, or other rehabilitative programs.
- (3) The decision of the Board of Education to expel also shall direct that the student contact the Placement and Appeal Office before the end of the last semester of expulsion. The Placement and Appeal Head Counselor shall determine appropriate placement for the student upon readmission, taking into account the nature of the offense leading to expulsion and the health, safety, and welfare of all district staff and students.

g. Readmission process/rehabilitation plan

- (1) The Board of Education shall recommend a plan of rehabilitation for the student at the time of the expulsion order that may include, but not be limited to, periodic review as well as assessment at the time of review for readmission. The plan may also include recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs.
- (2) Upon completion of the readmission process, the Board of Education shall readmit the pupil, unless the board makes a finding that the student has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other students or employees of the school district. A description of the readmission process shall be made to the student and the student's parent/guardian at the time the expulsion order is entered.
- (3) If the Board of Education denies the readmission of an expelled student, the board shall make a determination either to continue the placement of the student in the alternative educational program initially selected for the student during the period of the expulsion order or to place the student in another program that may include, but need not be limited to, serving expelled students, including placement in county community school.
- (4) The Board of Education shall provide written notice to the expelled student and the student's parent/guardian describing the reasons for denying the student readmittance into the regular school district program. The written notice shall also include the determination of the educational program for the expelled student. The expelled student shall enroll in that

educational program unless the parent/guardian of the student elects to enroll the student in another school district.

h. Suspension of order to expel

- (1) The Board of Education, upon voting to expel a student, may suspend enforcement of the expulsion order for a period of not more than one (1) calendar year and may, as a condition of suspension of enforcement, assign the student to a school, class, or program deemed appropriate for rehabilitation of the student.
 - (a) During the period of suspension of the expulsion order, the student shall be on probationary status.
 - (b) Suspension of an expulsion order may be revoked by the Board of Education if the student commits any of the acts enumerated in Education Code Section 48900 or violates any district rule or regulation governing student conduct.
 - (c) Upon revocation of the suspension of an expulsion order, a student may be expelled under terms of the original expulsion order.
- (2) Upon satisfactory completion of the student's rehabilitation assignment, the Board of Education shall readmit the student. Upon reinstatement, the board may order expungement of any or all records of the expulsion proceedings.

i. Revocation of suspended expulsion. If a student on suspended expulsion commits any of the acts enumerated in Education Code 48900 or violates any district rule or regulation governing student conduct, that student may be recommended for revocation of the suspended expulsion and a change of placement.

- (1) Upon receipt of the recommendation for revocation of suspended expulsion, the Placement and Appeal staff will send a letter to the parent/guardian of the student advising of the recommendation and of the student's/parent's/guardian's right to request a meeting with the designated Placement and Appeal staff member.
- (2) A meeting with the parent/guardian will be held prior to the date the case would be presented to the Board of Education. If it is determined that the recommendation will go forward, or if the parent/guardian chooses not to

request a meeting, the case will be presented to the Board of Education for action on the matter. At that time, the Board of Education may order that the suspended expulsion be revoked and that the student's placement be changed.

- j. **Appeals.** A student may appeal the decision to expel by filing, within thirty (30) days of the date of the decision, with the County Board of Education. A decision of the Board of Education to suspend an expulsion order shall not affect the time period and requirements for filing an appeal of the expulsion order with the County Board of Education.
18. **Enrollment of Students Expelled From Other School Districts.** Education Code Section 48915.1 provides:
- a. If a student has been expelled pursuant to Education Code Section 48915(a)(1) through 48915(a)(4), the district may deny enrollment for the remainder of the expulsion period, after a hearing and determination that the individual poses a potential danger to students or employees of the district.
 - b. If, after a hearing, it is determined that the individual does not pose a danger, the student shall be permitted to enroll if he/she can prove legal residence in the district or is enrolling pursuant to an interdistrict attendance agreement.
 - c. The hearing may be before the Expulsion Review Panel (C.18.c.) or a hearing officer and shall be held pursuant to provisions of Education Code Section 48918. The district may request information about the student from the prior school district. The district of prior enrollment must respond to this request within five (5) workdays of receipt.
 - d. The Expulsion Review Panel or hearing officer may recommend, and the Board of Education has, the following options when considering enrollment:
 - (1) Deny enrollment
 - (2) Permit enrollment
 - (3) Permit conditional enrollment in a regular school program or another educational program

(4) IMPLEMENTATION**1. Principal or designee**

- a. Reviews facts of the incident and makes an initial determination as to whether the student has committed an act for which he/she must or may be recommended for expulsion. (See C.3., C.7.-C.9.)
- b. When any student is recommended for suspension for any reason requiring police notification as specified by “Report on Suspension” form:
 - (1) Calls School Police (619-291-7678) and requests an officer be dispatched to investigate incident.
 - (2) Detains student at school, when feasible and without physical force until a police officer arrives. Following investigation, if police officer determines a criminal act occurred and an arrest is warranted, police officer will determine an appropriate disposition for student. Disposition may include releasing student back to school, releasing student to a parent/guardian, or placing student into protective custody.
 - (3) If student is arrested by police officer, may suspend student at that time or upon his/her return to campus.
- c. Shall ensure student’s right of due process as outlined in C.11., C.12., and in Procedure 6290.
- d. If, upon hearing student’s version of incident, determines that suspension is justified, places alleged offender on a five (5) day suspension following provisions of Procedure 6290.
- e. Shall determine if expulsion should be recommended. If principal recommends expulsion, contacts the Placement and Appeal Office for appropriate action. Consults with the Placement and Appeal Legal Specialist or Director. If, after further investigation it is determined that incident is not as serious as first appeared, may handle case at site level and use services of school counselors and other key personnel. This decision is reached cooperatively by principal or designee and the Placement and Appeal Legal Specialist or Director. In some instances involvement of the Office of General Counsel or Area Superintendent is appropriate.

2. Placement and Appeal Legal Specialist

- a. Notifies student and student's parent/guardian of due process rights outlined in Section C.
- b. Assigns responsibility to the Placement and Appeal Office Head Counselor as a case manager.
- c. Assigns responsibility to the Special Education Division for record review to determine possibility of further assessment.
- d. After meeting with student and student's parent/guardian, decides either to extend or to terminate suspension of student; may place student in an alternate school placement, including independent study. Decision to extend suspension must be based on a finding that presence of student at school would constitute a danger to persons or property, or a threat of disrupting the instructional process.
 - (1) If decision is to terminate suspension and place student in an alternative school placement pending expulsion hearing, arranges for appropriate placement.
 - (2) If decision is to extend suspension must notify student's parent/guardian and may refer student to independent study program.
- e. Represents district at expulsion hearing and argues in favor of recommendation for expulsion; may request assistance of General Counsel when necessary.

3. Placement and Appeal Head Counselor

- a. Reviews facts of case.
- b. Coordinates and makes direct contact with alleged offender and his/her parent/guardian to determine interim placement pending hearing.
- c. Provides follow-up counseling and placement as a result of Expulsion Review Panel and board decisions.

4. Expulsion Review Panel

- a. Convenes expulsion hearing to hear all written or oral evidence pertaining to incident or student, as deemed relevant by presiding officer. When advisable,

may request additional information be obtained by the Placement and Appeal Legal Specialist or Director.

- b. At the hearing, makes report of the Placement and Appeal Legal Specialist or Director available to student, student's parent/guardian, and/or their representative.
5. **If Expulsion Review Panel recommends expulsion of student**, the Placement and Appeal Legal Specialist or Director forwards evidence presented to Expulsion Review Panel and findings of fact to the Board of Education for action.
6. **Board of Education**
 - a. Board of Education may meet in closed session to deliberate and determine if Expulsion Review Panel's recommendation to expel should be adopted.
 - b. If Board of Education accepts recommendation for expulsion, acceptance shall be based either upon a review of findings of fact and recommendations submitted by Expulsion Review Panel or upon results of any supplementary hearing the board may order.
 - (1) At the time expulsion of student is ordered, the board shall set a date, not later than last day of semester following the semester in which expulsion occurred, at which time student may apply for readmission to district. However, upon completion of readmission process, the board shall not be required to readmit said student.
 - (2) The board may recommend a plan of rehabilitation for the student.
 - (3) Decision to expel shall direct student to contact the Placement and Appeal Office for appropriate placement prior to the end of last semester of expulsion.
 - c. Board of Education may suspend enforcement of an expulsion order for no more than one (1) calendar year and may, as a condition of suspension of enforcement, assign student to a school, class, or program appropriate for rehabilitation of student.
7. **Placement and Appeal Legal Specialist or Director** notifies parents/guardians of Board of Education's decision regarding expulsion and of parents'/guardians' rights to appeal to the County Board of Education.

8. **Enrollment of Students Expelled from Another School District (C.19).** When a school receives a request for enrollment from a student from another school district, the receiving school may specifically ask student if he/she is currently expelled from the other district. *If student is currently expelled from another school district:*
- a. School refers student to the Placement and Appeal Legal Specialist or Director.
 - b. Placement and Appeal Legal Specialist or Director requests expulsion information from district of prior enrollment; convenes Expulsion Review Panel hearing in accordance with provisions of this procedure.
 - c. Expulsion Review Panel or hearing officer determines whether to admit and whether student poses potential danger to students or employees of the district, decides whether student should be enrolled, and sends recommendation to the Board of Education via the Placement and Appeal Legal Specialist or Director.
 - d. Board of Education makes decision regarding enrollment.
 - e. Placement and Appeal Office notifies student's parent/guardian of board's decision.
 - f. If enrollment is denied, student may enroll when original expulsion date expires.
9. **Notification to Teacher of Students Whose Actions Are Grounds for Suspension**
- a. The principal or designee shall inform the teacher of each student who has engaged in, or is reasonably suspected to have engaged in, any of the acts described in C.3., including at other schools. The principal or designee shall provide the information to the teacher based upon any records that the district maintains in its ordinary course of business, or receives from a law enforcement agency, regarding a student described in this paragraph.
 - b. The district, or district officer or employee, is not civilly or criminally liable for providing information in conformance with D.9.a. unless it is proven that the information was false and that the district, or district officer or employee, knew or should have known that the information was false, or the information was provided with a reckless disregard for its truth or falsity.
 - c. An officer or employee of the district who knowingly fails to provide information about a student who has engaged in, or who is reasonably suspected to have engaged in, the acts referred to in C.3. is guilty of a misdemeanor.

SUBJECT: **Expulsion**

NO: **6295**

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EFFECTIVE: **1-29-62**

REVISED: **11-15-10**

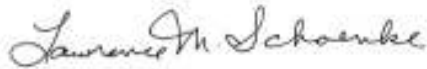
- d. Any information received by a teacher pursuant to D.9.a. shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

(5) FORMS AND AUXILIARY REFERENCES

1. Report on Suspension, English Version (Attachment 1)
2. Report on Suspension, Spanish Version (Attachment 2)
3. Report on Suspension, Tagalog version (Attachment 3)
4. Report on Suspension, Somali version (Attachment 4)
5. Report on Suspension, Vietnamese version (Attachment 5)
6. Letter to parent or guardian
7. Student Discipline Policies, available on the district website.

(6) REPORTS AND RECORDS

(7) APPROVED BY



General Counsel, Legal Services
San Diego Unified School District