

Alpine County Office of Education  
Plan for Expelled Youth

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Superintendent  
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## Overview:

Alpine County is a single district county with two distinctly different communities separated by the Sierra Mountain Range serving a large geographic area. There are no High Schools in Alpine County. All Alpine County High School students attend Douglas High School in Minden NV, South Lake Tahoe High School, or Bret Harte High School in Angles Camp. The Alpine County Office of Education is limited in the respect to which they are able to provide educational alternatives to expelled youth. Small schools, as in Alpine County, started to see undesirable student behaviors that were once attributed only to students who attended schools in large urban school districts. The school district acted and implemented a MTSS and PBIS systems at the schools. These interventions reduced the number of student referrals for discipline the school was experiencing. The fact that students are seldom expelled from schools in Alpine County is positive; however, it does create a situation where the development of either county or district specific classes or programs for such students is difficult financially and/or geographically. Presently, the sites are closed due to no enrollment. Early intervention strategies or pro-active strategies are the major focus of the small county and district programs and subsequent student success. Alpine County District provide early intervention strategies which include, but are not limited to, high risk counseling, student study teams, academic and emotional assessments, special needs preschool, special education services, and after school activities.

Education Code - 48926 Each County Superintendent of Schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of the school districts within the county, shall develop a plan for providing education services to all expelled pupils in that county. The plan shall be adopted by the governing board of each school district within the county and by the county board of education. The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those service gaps. The plan shall also identify alternative placements for pupils who are expelled and placed in district community day school programs, but who fail to meet the terms and conditions of their rehabilitation plan or who pose a danger to other district pupils, as determined by the governing board. Each county superintendent of schools, in conjunction with the superintendents of the school districts, shall submit to the Superintendent of Public Instruction the county plan for providing educational services to all expelled pupils in the county no later than June 30, 1997, and shall submit a triennial update to the plan to the Superintendent of Public Instruction including the outcome data pursuant to Section 48916.1, on June 30th thereafter. **(Added by Stats. 1995, Ch. 974, Sec. 8. Effective January 1, 1996. Operative July 1, 1996, by Sec. 9 of Ch. 974, which was amended by Stats. 1996, Ch. 937.)**

Education Code - 48916.1(a) At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion. Except for pupils expelled pursuant to subdivision (d) of Section 48915, the governing board of a school district is required to implement the provisions of this section only to the extent funds are appropriated for this

purpose in the annual Budget Act or other legislation, or both. **(Amended by Stats. 2005, Ch. 69, Sec. 3. Effective January 1, 2006.)**

#### Existing Educational Alternatives for Expelled Youth

Alpine County USD/COE offers the following options for expelled youth:

1. expulsion with referral to the Alpine USD opportunity program which is an independent study resource provided by Edgenuity (teachers of record) and with weekly check in with the District Superintendent, or designee.
2. Student may attend LTUSD elevate academy with parent request
3. Suspended expulsion with placement on the same school campus

#### Expulsion of Special Education Students

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

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

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

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

#### Gaps in Educational Service

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

1. The Alpine County Unified School District generally expels very few or no students during the course of a school year; so few students are expelled that having a special class or program for such students, within each of the four distinct communities, is not financially possible.

2. Students who are expelled by the district vary as to age, grade level, and expulsion offenses. The age and grade-span alone, under current California Education Code, would require separate 5 Community Day School sites for the limited number of grades K-6 and 7-8 expelled students

. 3. There are significant geographical distances between each community, thus county or district operated school or classroom sites/programs require either extensive bussing, which is not financially feasible for the district, or parent provided transportation, which is often impossible for the parents.

4. The Community Day School option for expelled students, as described in current California Education Code, is difficult for the following reasons: a) the Education Code that outlines the creation of Community Day School programs does not provide adequate funding to allow small school districts to develop such programs. b) access to additional funding is restricted by having the student complete six hours of hour by-hour attendance accounting in order for the district to receive the additional funding, and requiring additional attendance bookkeeping and record keep. c) the separation of students in grades K-6 from students in grades 7-8 also creates boundaries that will be financially and/or geographically difficult.

#### Strategies for Addressing Gaps in Service

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

1. To continue to use existing district educational strategies to meet the needs of expelled students;

2. To refer expelled students to the Alpine County Unified School District Continuation School and the Independent Study program. Continuation school is an option for those students who have transportation to the site. Independent study is an option for those students who cannot arrange for transportation.

3. To continue to see that expelled students meet terms and conditions of the rehabilitation by providing certificated and support staff who work closely with all expelled students. Alpine County Office of Education is a single district county and the district/county office of education is located within 100 feet of the continuation school. This provides a personal feature for communications and support. Articulation and coordination between the district and the county in providing educational placement is most advantageous.

## PROCEDURAL SAFEGUARDS

### Conducting an Extension of Suspension Conference

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

Timelines for Suspension, Expulsion and Appeal

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

Names of persons who intend to make presentations at hearing from appellant and respondent to Alpine Co. Office of Ed.	At least 48 hours prior to hearing.
County Board sends written notice of decision to student/parents	Within 3 school days of appeal hearing. (EC§48919) County Board decision is final.

\* Appeals are to be heard by the Amador County Board of Education. Contact Alpine County Office of Education for information and forms.

Expulsion Appeal Timeline		
PROCEDURE	RESPONSIBILITY	TIMELINE
Parent or parent representative makes initial contact with Alpine County Office of Education	Parent	As soon as possible after local school district Governing Board's decision to expel
Parent is mailed packet of appeal information certified mail, email or fax	Alpine County Superintendent	After contact by parent or representative
Parent files expulsion appeal form with Alpine County Superintendent's Office.	Parent	Concurrently with submission of expulsion appeal form with Alpine County Superintendent's Office
Concurrently with submission of expulsion appeal form with Alpine County Superintendent's Office	School District	Within ten (10) school days of the receipt of written request from parent
Alpine County Office of Education submits Expulsion Appeal & Request for Hearing to Contracted County Office of Education	Alpine County Superintendent	Within ten (10) school days of the receipt of written request from parent
Appeal hearing is set and Notice of Hearing is mailed. Parents and school district will receive notice at least ten (10) calendar days before the hearing	Contracted County Superintendent	Within twenty (20) school days after receipt of transcript and other documents
Parents submit to Alpine County Office of Education any written argument of documents not delivered previously and Alpine COE forwards those documents to the Contracted County Office of Education	Parent	Ten (10) calendar days prior to appeal hearing date
District submits to Contracted County Office of Education written argument and/or response to parent	School District	Five (5) calendar days prior to appeal hearing date
Packets are prepared for Contracted County board to include all documentation submitted	Contracted County Superintendent	Approximately four (4) days before appeal hearing
Expulsion appeal hearing, conducted in closed session unless public hearing requested in writing five (5) days prior	Contracted County Board of Education	As scheduled by the Contracted County Board of Education

Closed deliberation by the Contracted County Board	Contracted County Board of Education	Following the appeal hearing
Decision is announced in public session following deliberation	Contracted County Board of Education	Following deliberation
Written decision is mailed to all parties	Contracted County Board of Education	Within three (3) working days after the hearing

SECTION 1 –  
EXPULSION CHECKLIST

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

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

EXPULSION CHECKLIST FORM – School Site

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

Student Name: \_\_\_\_\_ Grade: \_\_\_\_\_

School: \_\_\_\_\_

1. Student commits an offense that meets legal requirement for suspension and expulsion from school.
2. Student is suspended from school (duration cannot be for more than 5 school days) from \_\_\_\_\_ through \_\_\_\_\_.
3. Notify the Superintendent's Office of any forthcoming expulsion as soon as possible after the decision has been made to recommend the expulsion. Secretary will confirm the 30-school day time line to work within. Be sure to specify if the expulsion recommendation involves a special education student or an English Learner family.
  - A. Thirty-day time line expires on: \_\_\_\_\_
  - B. Special Education Student: Yes \_\_\_\_\_ No \_\_\_\_\_
  - C. English Learner family: Yes \_\_\_\_\_ No \_\_\_\_\_ Language: \_\_\_\_\_
4. FOR SPECIAL EDUCATION STUDENTS ONLY: Notify the appropriate school psychologist as soon as expulsion proceedings are initiated so that the pre-expulsion assessment and an I.E.P. meeting can be scheduled and completed within 15 days.
5. School Administrator prepares and delivers Notice of Proposed Expulsion and Suspension to parents within three days from the date on which the decision to recommend expulsion is made. This may be delivered at the time of the parent conference.
6. During the parent conference at which the parents are notified of the proposed expulsion and suspension, the administrator should inform the parents/student of the administration's decision regarding the student's placement pending the expulsion hearing. The Notice of Hearing from the Superintendent's Office to the parents will confirm this decision.
  - A. Non-Special Education student.
    1. The student may return to the campus after suspension, pending the expulsion hearing. (Student's presence on the campus does not cause a danger to persons or property nor threaten to disrupt the instructional process.)
    2. The suspension of the student will be extended until the date of the hearing. (This should be in accordance with 48911(g) which reads: *In cases where expulsion from any school or suspension for the balance of the semester from continuation school is being processed by the governing board, the school district superintendent or other person designated by the superintendent in writing may extend the suspension until such time as the governing board has rendered a decision. However, an extension may be 11 ☐ granted only if the superintendent or the superintendent's designee has determined, following a meeting in which the pupil and the pupil's parent or guardian are invited to participate, that the presence of the pupil at the school would cause a danger to persons or property or a threat of*

*disrupting the instructional process. If the pupil or the pupil's parent or guardian has requested a meeting to challenge the original suspension pursuant to Section 48914, the purpose of the meeting shall be to decide upon the extension of the suspension order under this section and may be held in conjunction with the initial meeting on the merits of the suspension.)*

B. Special Education Student

- \_\_\_1. The student may return to the campus after a 5-day suspension, pending the expulsion hearing.
- \_\_\_2. Student's suspension is extended to 10 days, return to campus pending expulsion. (Student's presence on the campus does cause a danger to persons or property or threatens to disrupt the instructional process.)
- \_\_\_3. Parent agrees to placement at alternate site pending expulsion hearing. Student does not pose a danger.
- \_\_\_4. Parent agrees to placement at alternative site pending expulsion hearing. (Alternative site administrator concurs.)
- \_\_\_5. School has attained a court order to exclude student from school pending expulsion hearing.

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

- A. Recommendation for Expulsion letter from Principal and Superintendent to the Board of Education. This letter should cite the Education Code and District Board Policy/Administrative Procedures violated by the student's alleged actions. (See "How to Write Charges", Section 2)
- B. Copy of Notice of Proposed Expulsion and Suspension Letter from Principal to the parents. (See "How to Write Charges", Section 2)
- C. Printout of the Student's class schedule (for secondary students).
- D. Student Discipline Incident Reports (within past two years).
- E. All Student Suspension Notices (within past two years).
- F. Student Attendance Record (within past two years), including most recent
- G. Transcript of Courses Taken. Provide copies of report card for previous year(s) from the cumulative file or, if the student is new, the transcript from the previous school.
- H. Report Cards/Progress Reports (within past two years). Be sure the grading period is identified on the report card or progress report.
- I. Current Progress Check. A Teacher's Progress Report Form is sent to each of the student's teachers for obtaining the student's current status in class (Initiate immediately upon determining the student will be recommended for expulsion).
- J. Testing data: SAT/9 scores or comparable testing data if available.
- K. Any other documents, letters, or evidence (such as a photocopy of weapon with ruler to show size) that may be pertinent to the case, as determined by the school administrator. All documents submitted by the school must be typed and of legible quality.

L. The Superintendent's Office will schedule an administrative hearing upon receiving the expulsion data packet.

## SECTION 2 - NOTICE OF SUSPENSION AND PROPOSED EXPULSION

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

Extension of a Suspension Pending Expulsion Hearing/Voluntary Independent Study

Student Name: \_\_\_\_\_

DOB: \_\_\_\_\_

School: \_\_\_\_\_

Special Ed:  Yes  No 504:  Yes  No

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

- A. Yes, I agree that the above-named student shall be placed on Independent Study in lieu of an extension of the suspension.
- B. No, I do not consent to the above-named student's placement on Independent Study.

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
District Administrator Signature

\_\_\_\_\_  
Date

## HOW TO WRITE CHARGES

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

### SECTION 3 - STUDENT DATA PACKET

- This packet is prepared by the school and is sent to the Superintendent's Office within five school days from the time of the decision to recommend expulsion.

- The packet includes:

1. Principal's Memorandum Recommending Expulsion
2. Copy of Notice of Proposed Expulsion and Suspension
3. Discipline Report
4. Attendance Report (attach a copy of the Attendance Resolution Codes)
5. Student Class Schedule (list of course enrolled in for High School student)
6. Student Grades and Progress Report (as of time Pupil is recommended for expulsion)
7. Teacher's Progress Report from Every Teacher
8. Transcript of Courses or Report Cards
9. Graduation Status Report, if available for HS students
10. Test Scores
11. Any other documents pertinent to the case such as statements from witnesses or school officials involved in the case or pictures of evidence with ruler beside it to show the size.

## SECTION 4 - STIPULATED EXPULSION

- Definition
- Advantages and Disadvantages to Schools

### FORM OPTIONS:

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

## Stipulated Expulsion – Definition

### STUDENT DISCIPLINE:

#### Stipulated expulsion

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

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

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

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

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

### Stipulated Expulsion Advantages and Disadvantages

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

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

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

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

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

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

Tips if you decide to use Stipulated Expulsion Agreements:

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

10. DON'T stipulate an expulsion agreement for a 48915 (c) offense

Alpine County Unified School District  
MEMORANDUM

TO: Parents/Guardians  
FROM: Superintendent

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

Use stipulated Expulsion Option

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

The advantages in agreeing to a stipulated expulsion are:

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

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

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

The concept of due process is still in effect.

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

Since an expulsion hearing must be scheduled within 30 school days of the incident, we are asking that you contact the Superintendent's Office at 530 694-2230 with any questions.

\_\_\_\_\_  
Student signature

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
District Representative

ALPINE COUNTY UNIFIED SCHOOL DISTRICT  
STIPULATED EXPULSION AGREEMENT

Date:

Identifying Data:

Name: \_\_\_\_\_ DOB: \_\_\_\_\_

CSIS No: \_\_\_\_\_ School: \_\_\_\_\_ Grade: \_\_\_\_\_

Violation(s): \_\_\_\_\_ 504: \_\_Yes \_\_ No Special Ed: \_\_Yes \_\_No

Finding of Fact:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Conclusions:

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

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

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

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

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

\_\_\_\_\_ 5. We understand that the Board of Education will review this proposed agreement. The Board may accept or reject the agreement or any of its terms.

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

calendar days.

\_\_\_\_\_ 6. We waive the right to appeal the expulsion to the County Board of Education. If we disagree with the decision of the Alpine County Unified School District governing Board, we may appeal the decision in accordance with guidelines under California Education Code 48922.

\_\_\_\_\_ 7. We understand the following:

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

Rehabilitation Plan:

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

#### REHABILITATION PLAN

DURING THE PERIOD OF THE EXPULSION THE STUDENT SHALL:

(Check all applicable areas)

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

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



## Agreement and Stipulation for Immediate Expulsion

This Agreement is made and entered into by and between (the "Student"), and (the "Parent/Guardian") and the Alpine County Unified School District.

### RECITALS

1. A Notice of Expulsion ("Notice") pertaining to the Student (see Exhibit A attached to this agreement) was received by the Parent/Guardian; and
2. The Notice includes allegations of specific acts committed or engaged in by the Student, which acts are grounds for expulsion under applicable provisions of the California Education Code, including, but not limited to, Section 48900/48915; and
3. The Student and Parent/Guardian have been provided with the Notice and copies, if applicable, provisions of the California Education Code and District rules and regulations governing expulsions; and
4. The Student and Parent/Guardian have been advised by District representatives that they have a right to consult with and/or otherwise engage counsel to represent them during any proceedings involving the Notice and/or the Agreement; and
5. The Student and Parent/Guardian have met with District representatives to discuss allegations contained in the Notice and applicable provisions of the California Education Code relating to expulsions; and
6. The Student and Parent/Guardian fully understand the charges contained in the Notice and the meaning and consequences of an expulsion order which may result from such charges; and
7. At an upcoming meeting, the District Governing Board will consider and take action on the issue of expulsion based on the Student's admissions and waiver of a right to an expulsion hearing as set forth in this Agreement; and
8. The parties have determined that resolution of the issues raised in the Notice would best be served by an expedited and abbreviated process, which process would ultimately be beneficial to and in the best interests of the Student and the District; and
9. This agreement is consistent with the intent of applicable provisions of the California Education Code relating to expulsions.

NOW, THEREFORE, the parties agree as follows:

- A. The parties agree that the above Recital are true and correct.
- B. The purpose of this Agreement is to establish a framework for the amicable, beneficial, and expedited resolution of issues raised in the Notice (Exhibit A).
- C. The Student and Parent/Guardian fully acknowledge, understand and admit the following:
  1. They received the Notice and have carefully read the allegations contained herein and applicable California Education Code sections, have had an opportunity to discuss the allegations with District representatives and fully understand the allegations and the meaning and consequences of an expulsion order, and
  2. They have the right to a due process hearing to contest the allegations contained in the Notice, including a challenge that the identified acts constitute grounds for expulsion; and that the purpose and function of an expulsion hearing would be to decide if the allegations have been substantiated and, whether they constitute grounds for expulsion, and whether the Student should be expelled; and
  3. If substantiated, each and every specific act outlined in the Notice, either independently and/or collectively, is a ground for expulsion under California Education Code 48900/48915, et seq,; and
  4. The specific acts committed or engaged in by the Student, as alleged in the Notice, did in fact occur.
- D. The pupil and Parent/Guardian relinquish their right to contest any expulsion order and make a knowing and voluntary waiver of their right to have an expulsion hearing, and/or appeal to the county board of education, including the right (1) to all notices and time lines required by statute, rule or regulation, (2) to be represented by legal counsel at such expulsion hearing, (3) to inspect and obtain copies of all documents which would have been used at the hearing, (4) to confront and question all witnesses who would have testified at the hearing, (5) to question all other evidence presented, and (6) to present oral and documentary evidence on the Student's behalf, including witnesses.
- E. The Pupil and the Parent/Guardian have the right to rescind the stipulated agreement within two business days after the initial stipulated agreement has been authorized by the Pupil and Parent/Guardian.
- F. The request to rescind the stipulated agreement must be made in writing to the Director of Student Services. Upon receipt of the written request, an expulsion hearing shall be conducted within twenty school days.
- G. This Agreement is conditioned upon review and approval of the District Governing Board. H. The pupil is eligible to reapply for admission on \_\_\_\_\_, 20 . During the period of expulsion, the pupil must successfully complete a Rehabilitation Plan (attached). The parties indicate their intention to be bound by their authorized signatures:

DATED:

\_\_\_\_\_  
Student

DATED:

\_\_\_\_\_  
Parent/Guardian

DATED:

\_\_\_\_\_ 28  
30 School District Representative

DATED:

\_\_\_\_\_  
President, Board of Education

WAIVER

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

The student and his/her parent/guardian have received a copy of the school districts regulations.

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

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

MODIFICATION OF AGREEMENT

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

BOARD APPROVAL

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

Student's signature \_\_\_\_\_ Date \_\_\_\_\_

Parent's signature \_\_\_\_\_ Date \_\_\_\_\_

Superintendent/designee signature \_\_\_\_\_ Date \_\_\_\_\_

It is so ordered by the Board of Education

AYES \_\_\_\_\_ ABSENT \_\_\_\_\_

NOES \_\_\_\_\_ ABSTENTION \_\_\_\_\_

Governing Board President \_\_\_\_\_ Date \_\_\_\_\_

REHABILITATION PLAN

DURING THE PERIOD OF EXPULSION, THE STUDENT SHALL:

1. Maintain a clear school and community record during the term of his/her suspended expulsion;
  2. Attend a school or educational program, either private or public, maintaining passing grades in all subjects, have no unexcused absences, and maintain a satisfactory attitude and behavior;
  3. Have no suspendable violations of Education Code 48900 or 48915;
  4. Abide by all conditions of his/her probation, if applicable;
  5. It is recommended that the student participate in a professional counseling program;
  6. Sign a Probationary Enrollment Contract before returning to school; In addition (if checked)
  7. Complete \_\_\_\_\_ hours of community services prior to his/her re enrolment to the district.
  8. Other:
- 
- 

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

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

REINSTATEMENT OF EXPULSION

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

PLACEMENT DURING THE TERM OF THE SUSPENDED EXPULSION

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

Current School \_\_\_\_\_

Opportunity program Independent Study \_\_\_\_\_

## SECTION 5 - PARENT INFORMATION PACKET

- This packet serves to inform parents of the process and their rights related to expulsion proceedings. The information packet is included in the same mailing as the Notice of Hearing and Student Data packet, but as a separate packet.

- This packet includes:

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

*(Place on school letter head)*

PROCESS AND RIGHTS LETTER

*Sample*

Parent/Guardian  
Mailing address  
(City State Zip)  
RE: (Student Name)  
Dear:

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

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

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

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

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

### EXPULSION

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

### SUSPENDED EXPULSION

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

### REHABILITATION/PROBATION PLAN

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

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

### APPEAL OF BOARD OF EDUCATION EXPULSION DECISION

You may appeal the Board's decision to expel by contacting the Alpine County Office of Education, (530-694-2230). You should refer to the basis for the County to act upon the appeal that is found in Attachment 1: California Education Code, Section 48922.

### RE-ENTERING INTO THE DISTRICT

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

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

Sincerely,

(Principal or Superintendent)

Enc: Attachments 1 and 2

ATTACHMENT "1"  
California Education Code 48922

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

- (1) Whether the governing board acted without or in excess of its jurisdiction.
- (2) Whether there was a fair hearing before the governing board.
- (3) Whether there was a prejudicial abuse of discretion in the hearing.
- (4) Whether there is relevant and material evidence which, in the exercise of reasonable

diligence, could not have been produced or which was improperly excluded at the hearing before the governing board.

(b) As used in this section, a proceeding without or in excess of jurisdiction includes, but is not limited to, a situation where an expulsion hearing is not commenced within the time periods prescribed by this article, a situation where an expulsion order is not based upon the acts enumerated in Section 48900, or a situation involving acts not related to school activity or attendance.

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

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

48915.

(3) If the findings are not supported by the evidence. A county board of education may not reverse the decision of a governing board to expel a pupil based upon a finding of an abuse of discretion unless the county board of education also determines that the abuse of discretion was prejudicial.

ATTACHMENT "2"  
Re-entry Process

Readmission After Expulsion

Readmission procedures shall be as follows:

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

## SECTION 6 - NOTICE OF HEARING

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

Sample

(on District letter head)

NOTICE OF HEARING

Dear:

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

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

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

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

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

If \_\_\_\_\_ or his/her parents or guardian plan to be represented by counsel, please notify the Superintendent of Schools at least five (5) days prior to the hearing date. The Administrative Hearing Panel shall conduct the hearing to consider the expulsion of the pupil in a session closed to the public unless \_\_\_\_\_ or his/her parents or guardian request that the hearing be a public meeting at least five (5) days prior to the hearing

Sincerely,

Superintendent of Schools

cc: , Principal

Administrative Hearing Panel

Attachments:

Student Data Packet

Enclosures: Expulsion

Information Packet

## SECTION 7 - EXPULSION HEARING SCRIPT

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

EXPULSION HEARING SCRIPT

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

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

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

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

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

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

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

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

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

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

The Administrative Panel may, upon a finding that a good cause exists, determine that the disclosure of the identity of a witness and the testimony of that witness at the hearing would subject the witness to an unreasonable risk of harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations, which shall be examined only by the Administrative

Panel. Copies of these sworn declarations, which are edited in such a manner as to delete the name and identity of the witness, shall be made available to the student.

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

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

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

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

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

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

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

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

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

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

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

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

*Facilitator asks school to present evidence.*

*Facilitator invites cross-examination of evidence presented.*

*Facilitator invites re-direct examination.*

Repeat process for each witness.

Facilitator asks student to present evidence.

Facilitator invites cross-examination.

Facilitator invites re-direct examination.

Are there any questions from the Administrative Panel?

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

Would either party wish to make a closing statement?

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

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

Any further questions?

For the record the time is \_\_\_\_\_ .

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

Turn off tape recorder.

## SECTION 8 - PANEL'S RECOMMENDATION TO BOARD

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

Sample

RECOMMENDATION FOR EXPULSION  
BEFORE THE BOARD OF EDUCATION OF THE  
ALPINE COUNTY UNIFIED SCHOOL DISTRICT

In the Matter of the \_\_\_\_\_ PROPOSED FINDINGS OF FACT,  
Expulsion of \_\_\_\_\_ CONCLUSIONS AND RECOMMENDED ORDER OF THE  
ADMINISTRATIVE PANEL

The above-entitled matter involving the recommended expulsion of hereinafter referred to as PUPIL, came on for hearing before an Administrative Panel appointed by the Board of Education of the Alpine County Unified School District. The hearing was held at on \_\_\_\_\_  
\_\_\_\_\_ presented the expulsion for the Alpine County Unified School District. Neither PUPIL nor the parents/guardians attended the meeting.

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

FINDINGS

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

The activity described above is related to school activity.

CONCLUSIONS

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

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

Sample

RECOMMENDED ORDER

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

REHABILITATION PLAN

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

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

Date:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Names and titles of Admin Panel typed here)  
 Administrative Panel Appointed by the Board of  
 Education of the Alpine County Unified School District

Reviewed by Superintendent of Schools

\_\_\_\_\_

Superintendent

Date: \_\_\_\_\_

## SECTION 9 - NOTIFICATION FROM THE HEARING PANEL

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

Sample

(Letterhead)

ACTION TAKEN BY ADMINISTRATIVE HEARING PANEL

Dear:

This letter is to inform you of the action taken by the Administrative Hearing Panel, formed pursuant to California Education Code Section 48918, \_\_\_\_\_ on with regard to the recommended expulsion of \_\_\_\_\_. The Administrative Panel found that \_\_\_\_\_ had violated Education Code Section 48900 parts (c) and (k) and Administrative Regulation 5144.1, and, thus, recommend to the Board of Education that be expelled from the Alpine County Unified School District. The term of expulsion is recommended to be the remainder of the of the \_\_\_\_\_ school year, plus the \_\_\_\_\_ of the school year. The Panel further recommends that the Board instruct \_\_\_\_\_ to follow the rehabilitation plan listed below, as a condition of readmission to the district:

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

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

Sincerely,

Superintendent of Schools  
cc: , Principal

## SECTION 10 - SAMPLE MOTIONS

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

**Sample**

SAMPLE MOTION EXPULSION

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

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

REHABILITATION PLAN

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

Sample

SAMPLE MOTION FOR A SUSPENDED EXPULSION

FOR BOARD ONLY:

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

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

PROBATION PLAN

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

Sample

CLOSED SESSION MOTION

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

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

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

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

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

## SECTION 11 – EXPULSION ORDER FROM THE BOARD OF EDUCATION

- Order of Expulsion by Board of Education

EXPULSION ORDER  
BEFORE THE BOARD OF EDUCATION OF THE  
ALPINE COUNTY UNIFIED SCHOOL DISTRICT

In the Matter of the  
Expulsion of

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

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

Dated: \_\_\_\_\_

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTENTIONS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
President, Board of Education  
Alpine County Unified School District

## SECTION 12 - NOTIFICATION OF THE BOARD'S DECISION

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

Sample

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

Dear:

This letter is to confirm the action taken by the Board of Education of the Alpine County Unified School District, at the \_\_\_\_\_ Board Meeting, with regard to the recommendation to expel your son/daughter \_\_\_\_\_, from the schools of the District.

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

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

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

Please be advised that in seeking enrollment in another school district, Education Code 48915.1(b) obligates the parent/guardian of an expelled student, or the pupil if the pupil is 59 emancipated or otherwise legally of age, to inform the receiving school district of his or her status with the previous school district.

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

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

READMISSION TIME LINE FOR REINSTATEMENT  
SECOND SEMESTER OF \_\_\_\_\_

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

You have the right to appeal the expulsion of \_\_\_\_\_ to an impartial higher authority by contacting the Superintendent of Schools pursuant to Education Code Sections 48915, 48917, and 48920. A copy of the expulsion appeal procedure of the Alpine County Board of Education may be obtained from the County Superintendent of Schools located at 43 Hawkside Rd Markleeville, Ca 96120 (530) 694-2230. Pursuant to Education Code Section 48919, your appeal must be made within thirty (30) days following the decision of the Board of Education of this District to expel your child.

Sincerely,

\_\_\_\_\_  
Superintendent  
CC \_\_\_\_\_, Principal

### SECTION 13 - APPLICATION FOR READMISSION/REINSTATEMENT

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

Sample

APPLICATION FOR READMISSION/REINSTATEMENT

PUPIL'S NAME: \_\_\_\_\_ BIRTHDATE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_

NAME OF PUPIL'S PARENT OR GUARDIAN: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_

The Board of Education of the Alpine County Unified School District has ordered that I, \_\_\_\_\_, may apply for readmission/reinstatement to Alpine County Unified School

District on \_\_\_\_\_.

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

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

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

DATE: \_\_\_\_\_ SIGNATURE OF STUDENT: \_\_\_\_\_

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

## SECTION 14 - SAMPLE FORMS FOR SUSPENDED EXPULSION

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

Sample

RECOMMENDATION FOR SUSPENDED EXPULSION  
BEFORE THE BOARD OF EDUCATION OF THE  
ALPINE COUNTY UNIFIED SCHOOL DISTRICT

In the Matter of the  
Expulsion of  
\_\_\_\_\_

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

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

FINDINGS

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

CONCLUSIONS

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

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

RECOMMENDED ORDER

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

IT IS FURTHER HEREBY RECOMMENDED that the expulsion order of the PUPIL be59 65 suspended in accordance with Education Code 48917 under the following conditions of suspended expulsion:

CONDITIONS OF SUSPENDED EXPULSION

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

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

PROBATION PLAN

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

- 1. Do not violate any of the laws of the State of California.
- 2. Comply with all rules and regulations established by the Alpine County Unified School District.
- 3. Demonstrate cooperative and compliant behavior to any person with legal authority over the student, including parents.
- 4. Obtain a least hours specific counseling by an appropriate counseling expert employed by an agency which helps people modify their behavior in keeping with good citizenship, including social behavior. This counseling should be verified, in writing to the Superintendent of Schools.60
- 5. Do not possess any firearms, knives, explosives or other dangerous objects.
- 6. Become involved in regularly scheduled, productive volunteer service. That service should be verified in writing to the Superintendent of Schools and be at least hours.

Date \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

Administrative Panel,  
Appointed by the Board of Education  
Of the Alpine County Unified School District

Sample

SUSPENDED EXPULSION ORDER  
BEFORE THE BOARD OF EDUCATION OF THE  
ALPINE COUNTY UNIFIED SCHOOL DISTRICT

In the Matter of the  
Expulsion of

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

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

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

Dated: \_\_\_\_\_

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTENTIONS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
President, Alpine County Unified School District

Date: \_\_\_\_\_

Sample

ACTION TAKEN BY ADMINISTRATIVE PANEL

Dear \_\_\_\_\_:

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

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

CONDITIONS OF SUSPENDED EXPULSION

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

The Panel also recommends that the Board of Education instruct \_\_\_\_\_ to comply with 69 the Probation Plan listed below, and provide evidence of compliance prior to the end of the second semester, as a condition for full reinstatement upon completion of the term of suspended expulsion:

PROBATION PLAN

1. Do not violate any of the laws of the State of California.
2. Comply with all rules and regulations established by the Alpine County Unified School District.
3. Demonstrate cooperative and compliant behavior to any person with legal authority over the student, including parents.
4. Do not possess any firearms, knives, explosives or other dangerous objects.

5. Obtain at least four hours specific counseling by an appropriate counseling expert employed by an agency which helps people modify their behavior in keeping with good citizenship, including social behavior. This counseling should be verified, in writing, by the Superintendent of Schools.

6. Become involved in regularly scheduled, productive volunteer service. The total hours of such service should be at least 90 and verified, in writing, to the Superintendent of Schools.

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

Sincerely,

Administrative Panel Chair (or Superintendent of Schools)

Sample

NOTICE OF EXPULSION  
(SUSPENDED)

Dear:

This letter is to confirm the action taken by the Board of Education of the Alpine County Unified School District, at the Board Meeting with regard to the recommended expulsion of \_\_\_\_\_,

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

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

CONDITIONS OF SUSPENDED EXPULSION

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

PROBATION PLAN

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

6. Become involved in regularly scheduled, productive volunteer service. The total hours of such service should be at least 90 and verified, in writing, to the Superintendent of Schools.

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

You have the right to appeal the expulsion of \_\_\_\_\_ to the County Board of Education pursuant to Education Code sections 48915, 48917, and 48920. A copy of the expulsion appeals procedure of the Alpine County Board of Education may be obtained from the County Superintendent of Schools located at 43 Hawkside Rd. Markleeville, Ca 96120. Pursuant to Education Code Section 48919, your appeal must be made within thirty (30) days following the decision of the Board of Education of this District to expel your child.

Sincerely,

\_\_\_\_\_  
Superintendent  
Cc \_\_\_\_\_ , Principal

## SECTION 15 - MAINTAINING RECORDS AT THE SCHOOL SITE

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

Sample

MEMO TO SCHOOL SITE  
REGARDING SCHOOL RECORDS

TO: \_\_\_\_\_, Principal

FROM: Superintendent's Office

RE: Maintaining Records of Expulsion at School Site

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

If you have any questions, feel free to call my office at (530) 694-2230

Attachment: Expulsion Order