

VUSD EXPULSION PROCESS

Any student recommended for expulsion shall be entitled to a hearing to determine whether he/she should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed one of the acts listed above under "Grounds for Suspension and Expulsion". (Education Code 48918(a)) The parent and student receives the written notice of an expulsion hearing at least ten days prior to the hearing. This notice includes:

- Date and location of the hearing.
- The specific facts and charges upon which the proposed expulsion is based.
- Explanation of the right for the student or student's parent or guardian to appear in person, or to obtain and be represented by an attorney.
- Explanation of the right to inspect and obtain copies of all documents to be used at the hearing.
- Explanation of the right to confront and question all witnesses who testify at the hearing, and to question all other evidence presented.
- Explanation of the right to present evidence on the student's behalf, including witnesses.

A parent or guardian may also choose to waive their rights and agree to a stipulated expulsion.

A. The Expulsion Hearing Process

A student may be expelled only by the Board. (Education Code 48918(j)). An Expulsion Hearing Panel conducts the hearing to consider the recommendation to expel a student. The panel is made up of at least three district-certificated administrators such as principals or assistant principals, who are not employed at the student's school. The meeting is closed to the public unless the student or student's parent or guardian submits a written request in writing, at least five days before the hearing, that it be public. Hearings are audio recorded and students have access to written materials presented to the panel. At the end of the hearing, several different actions may take place.

B. The Expulsion Hearing Panel Does Not Recommend Expulsion

If the Expulsion Hearing Panel decides not to recommend expulsion, the proceedings are terminated and the student is immediately reinstated. The Student Attendance and Welfare Department will inform the parent or guardian of the panel's decision.

The parent or guardian must then contact the school and arrange a meeting with the principal regarding subsequent placement for the student. This may include a return to the classroom

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instructional program, any other instructional program, a rehabilitation program, or a combination of these programs. A decision not to recommend expulsion is final.

C. The Expulsion Hearing Panel Recommends Expulsion

If the Expulsion Hearing Panel decides to recommend expulsion, it must prepare a written *Finding of Facts* in support of the recommendation. The Written *Finding of Facts* must include the following elements.

- The panel's recommendation; and
- The findings of fact that support the recommendation, including all the facts that support the recommendation, and why certain facts were not persuasive; and
- When appropriate, additional findings of fact regarding how other means of correction failed to bring about proper conduct. Other means of correction include, but are not limited to, the following:
 - A conference between school personnel, the pupil's parent or guardian, and the pupil.
 - Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling.
 - Study teams, guidance teams, resource panel teams, or other intervention-related teams that assess the behavior, and develop and implement individualized plans to address the behavior in partnership with the pupil and his or her parents/guardians.
 - Referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program, or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)).
 - Enrollment in a program for teaching prosocial behavior or anger management.
 - Participation in a restorative justice program.
 - A positive behavior support approach with tiered interventions that occur during the school day on campus.
 - After-school programs that address specific behavioral issues or expose pupils to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups.
 - Other alternatives described in Ed Code 58900.5.

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The panel has 3 school days to render that decision.

D. Parent Notification of Panel Recommendation

The parent and student shall be provided with the Hearing Panel's recommendation to the Board and the date that the Board will review the decision 7 days prior to the next scheduled Board Meeting.

The Board may consider parent requests to address the Board prior to making a decision. The Board is not obligated to grant the request.

If the Board determines that it will grant the parent request, one parent shall address the Board for not more than 5 minutes in closed session. The student may also speak within the 5 minute allotted time.

E. Board Review of Panel Recommendation

Upon reviewing the recommendations, in closed session with only Board members present, the Board will review the findings. During the closed session deliberations, the Superintendent or designee will be available if the Board needs clarification on the findings. The clarification of the findings shall not include questions regarding additional evidence that could have or should have been presented at the expulsion hearing.

Upon reviewing the findings, the Board may choose to:

- Support the recommendation. The Board may choose to make changes to the panel recommendation such as suspending the expulsion, student placement, and or changes to the rehabilitation plan; or
- Reject the recommendation and suspend the expulsion order; or
- Deny the recommendation for expulsion.

If the Board believes that additional evidence or information is necessary to make the expulsion decision, the law permits the Board to conduct a supplementary hearing. (Ed Code 48918, subd. (f)(1).) if a supplemental hearing is held, both the District and the parent must be afforded the opportunity to refute evidence and witness testimony. The Board may ask the Hearing Panel to conduct the supplemental hearing.

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F. Adoption of the Expulsion Order

If the Board determines that it will expel a student, it must adopt an expulsion order. The expulsion order should include:

- The number and content of the Education Code sections the student is found to have violated, and
- The additional findings made by the Board, if required.
- The date when the student may be reviewed for readmission, and
- The program of study to which the student will be referred during the period of expulsion, and
- Notice of the obligation to inform any new school district of the expulsion upon enrolment.

The Board must take official action to adopt the Expulsion Order and expel the student in open session.

G. Notice to Parent and Student

Written notice of the Board's decision shall be sent to the parent and student. If expulsion is ordered, the notice is to include the following information:

- Notice of right to appeal the expulsion to the Solano County Board of Education within 30 days
- Notice of educational placement to be provided to the student during the time of expulsion
- Notice of availability of the district's procedures for filing and process requests for readmission and the process for reviewing expelled students for readmission.

(Ed. Code 48918, subd. (j).)

H. The Stipulation Process

A stipulated 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 Attendance and Welfare. A student's parent or guardian may consult with an attorney about the stipulated expulsion process. The Board of Education must still approve a stipulated expulsion agreement.

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:

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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:

- The right to an expulsion hearing.
- All notices and timelines required by policy or law.
- The right to be represented by an attorney at the expulsion hearing.
- The right to inspect and have copies of the documents that would have been used at the hearing.
- The right to confront and question all witnesses who would have testified at the hearing.
- The right to question all written evidence presented.
- The right to present witnesses and evidence on the student's behalf.
- The right to address the VUSD Board of Education in closed session.
- The right to appeal to the county Board of Education if the stipulated expulsion is approved by the Board of Education as agreed upon.