

**REGULATION 5144.1: SUSPENSION AND EXPULSION/DUE PROCESS**

**Comparison Matrix**

Section: Students

**SUMMARY OF UPDATE**

**Summary of Update:** *The Regulation was updated to reflect **NEW LAW (SB 274, 2023)** which extends the prohibition from suspending a student for disruption or willful defiance, formerly applicable to students in grades K-8, to all students, with the prohibition being effective until July 1, 2029. Additionally, regulation update to reflect **NEW LAW (AB 1165, 2023)** which encourages districts to have a student who has been suspended, or for whom other means of correction have been implemented for an incident of racist bullying, harassment, or intimidation, as well as the victim, to engage in a restorative justice practice suitable to address the needs of both the victim and the perpetrator, to require the perpetrator to engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance, and to regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues. In addition, the regulation was updated to clarify that the suspension notice to parents/guardians is required to include the date and time when the student may return to school.*

CSBA NOTE: CSBA recommends that this administrative regulation be approved by the Governing Board, regardless of regular district practice regarding the approval of administrative regulations.

Education Code 35291 requires the Board to adopt rules and regulations, which are not inconsistent with law or rules adopted by the State Board of Education, for the government and discipline of the schools under its jurisdiction. In addition, Education Code 48918 and 48918.5 mandate that districts adopt rules concerning the due process rights of students in expulsion situations, and Education Code 48916 mandates procedures for filing and processing requests for readmission. Specific language complying with these mandates is included throughout this administrative regulation.

CURRENT VERSION			REVISED VERSION	CSBA MODIFICATIONS and/or NOTES
PARA	Section	Sub-Section	January 12, 2021	
			<b>Definitions</b>	<b>No change</b>
1			Suspension means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following:	<b>No change</b>
	1		Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level	<b>No change</b>

	2		Referral to a certificated employee designated by the principal to advise students	No change	
	3		Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910	Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910, <i>so long as removal from a particular class does not occur more than once every five school days</i>	
	2		<i>Expulsion</i> means removal of a student from the immediate supervision and control or the general supervision of school personnel.	No change	
			<b><u>Notice of Regulations</u></b>	No change	
	1		At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, including suspension and expulsion.	No change	
			<b><u>Grounds for Suspension and Expulsion: Grades K-12</u></b>	No change	
	1		Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows and in the <b>sections "Additional Grounds for Suspension and Expulsion: Grades 4-12" and "Additional Grounds for Suspension and Expulsion: Grades 9-12"</b> below:	Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows and in "Additional Grounds for Suspension and Expulsion: Grades 4-12," below:	CSBA NOTE: The acts for which students may be suspended or expelled are specified in law, the following section, and "Additional Grounds for Suspension and Expulsion: Grades 4-12," below. The Board does not have authority to add to those enumerated acts. However, the Board has authority to prohibit suspension or expulsion for certain acts for which suspension or expulsion is permissible rather than mandatory. The Board may consider limiting the use of suspension and expulsion for such offenses as part of the district plan to address school climate within the local control and accountability plan required pursuant to Education Code 52060. Additionally, pursuant to Education Code

				48900.5, a district is not authorized to suspend a student for certain specified violations unless other means of correction have failed to bring about proper conduct.
1		Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury	No change	
2		Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence	No change	CSBA NOTE: The Attorney General, in 80 Ops.Cal.Atty.Gen. 91 (1997), determined that a student may be expelled for "possession" of a firearm if the student knowingly and voluntarily had direct control over the firearm. The only exceptions are when the student has permission from school officials to possess the firearm (pursuant to Education Code 48900 and 48915) or when the possession is brief and solely for the purpose of disposing of the firearm, such as handing it to school officials. Note that "firearm" does not include "imitation firearm" which is listed separately in Item #12 below. See BP/AR 5131.7 - Weapons and Dangerous Instruments.  Pursuant to Penal Code 417.27, students are prohibited from possessing a laser pointer on school premises, except for a valid instructional or other school-related purpose. See BP 5131 - Conduct.
3		Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind	Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-11059, alcoholic beverage, or intoxicant of any kind	

4	Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as such controlled substance, alcoholic beverage, or intoxicant	Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11059, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the same as a controlled substance, alcoholic beverage, or intoxicant	
5	Committed or attempted to commit robbery or extortion	No change	
6	Caused or attempted to cause damage to school property or private property	No change	
7	Stole or attempted to steal school property or private property	No change	
8	Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing prescription products	No change	
9	Committed an obscene act or engaged in habitual profanity or vulgarity	No change	
10	Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5	No change	
11	Knowingly received stolen school property or private property	No change	
12	Possessed an imitation firearm	No change	
12 (2)	<i>Imitation firearm</i> means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.	No change	

13		Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, <del>288a</del> , or 289, or committed a sexual battery as defined in Penal Code 243.4	Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, <del>287</del> , 288, 289, <i>or former 288a</i> , or committed a sexual battery as defined in Penal Code 243.4	
14		Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness	No change	
15		Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma	No change	
16		Engaged in, or attempted to engage in, hazing	No change	
16 (2)		<i>Hazing</i> means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events.	No change	
17		Engaged in an act of bullying	No change	
17 (1)		<i>Bullying</i> means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to self or property; cause the student to experience a substantially detrimental effect on physical or mental health; or cause the student to experience substantial interferences with	<i>Bullying</i> means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student(s) in fear of harm to self or property; cause the student to experience a substantially detrimental effect on physical or mental health; or cause the student to experience substantial interferences with	CSBA NOTE: Education Code 48900(r) defines "bullying" as "any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of electronic act," which is directed toward a student and which would have serious detrimental consequences upon a reasonable student. Pursuant to Education Code 48900, a student may be disciplined for bullying by means of an electronic act even when the act

		academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school.	academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school.	originated off campus. See also AR 5131.2 - Bullying.
17 (2)		<i>Bullying</i> includes any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 and below in <b>the section</b> "Additional Grounds for Suspension and Expulsion: Grades 4-12," that has any of the effects described above on a reasonable student.	<i>Bullying</i> includes any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 and below in "Additional Grounds for Suspension and Expulsion: Grades 4-12," that has any of the effects described above on a reasonable student.	CSBA NOTE: "Bullying" also would include any act of sexual harassment, hate violence, or harassment, threat, or intimidation committed by a student at any grade level, as set forth in Education Code 48900.2, 48900.3, or 48900.4, when the act results in harm to a reasonable student as specified in the above paragraph. However, when bullying is found under these circumstances, students below grade 4 may be disciplined for the "bullying" but not for the underlying act of sexual harassment, hate violence, or harassment, threat, or intimidation as specified below in "Additional Grounds for Suspension and Expulsion: Grades 4-12."
17 (3)		<i>Bullying</i> also includes an act of cyber sexual bullying by a student through the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording that depicts a nude, semi-nude, or sexually explicit photograph or other visual recording of an identifiable minor, when such dissemination is to another student or to school personnel by means of an electronic act and has or can be reasonably predicted to have one or more of the effects of bullying described above. Cyber sexual bullying does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.	No change	
17 (4)		<i>Electronic act</i> means the creation or transmission originated on or off the school site by means of an electronic device,	No change	

			including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication including, but not limited to:		
		a.	A message, text, sound, video, or image	No change	
		b.	A post on a social network Internet web site, including, but not limited to, posting to or creating a burn page or creating a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.	No change	
		b. (2)	<i>Reasonable student</i> means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of the student's age, or for a person of the student's age and disability.	No change	
				<i>b.(3) Burn page means an internet website created for the purpose of causing a reasonable student any of the effects of bullying described above.</i>	
				<i>b.(4) Credible impersonation means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that the student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.</i>	
				<i>b.(5) False profile means a profile of a fictitious student or profile using the likeness or attributes of an actual student other than the student who created the false profile.</i>	
				<i>b.(6) An electronic act is not considered pervasive conduct solely on the basis that</i>	

			<i>it has been transmitted to the internet or is currently posted on the internet. (</i>	
			<i>17(5) When a student has been suspended, or other means of correction have been implemented against the student, for an incident of racist bullying, harassment, or intimidation, the principal or designee may, as appropriate, engage both the victim and perpetrator in a restorative justice practice suitable to the needs of the students. The principal or designee may also require the perpetrator to engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance and shall regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues.</i>	CSBA NOTE: The following paragraph may be revised to reflect district practice. Pursuant to Education Code 48900.5, as amended by AB 1165 (Ch. 22, Statutes of 2023), the district is encouraged to have a student who has been suspended, or for whom other means of correction have been implemented pursuant to Education Code 48900.5 for an incident of racist bullying, harassment, or intimidation, as well as the victim, to engage in a restorative justice practice suitable to address the needs of both the victim and the perpetrator, in addition to the other measures specified in the following paragraph.
	18	Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31	<b>No change</b>	CSBA NOTE: Education Code 48900(t) allows for the suspension, but not expulsion, of a student who "aids or abets," as defined in Penal Code 31, the infliction or attempted infliction of physical injury to another person. The term "aiding or abetting," is a complex legal term and requires that, at the time the crime was committed, the aider or abettor was aware of the crime and specifically intended to commit the crime. Because of the complexities of criminal law, CSBA's District and County Office of Education Legal Services or district legal counsel should be consulted as appropriate.  Pursuant to Education Code 48900(t), any student who aids or abets a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury is subject



					to suspension or expulsion as provided in Item #1 above.
	19	Made terrorist threats against school officials and/or school property	No change		
	19 (2)	A <i>terrorist threat</i> includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out.	No change		
2			<i>A student may not be suspended or expelled for disruption or willful defiance.</i>		<p>CSBA NOTE: Pursuant to Education Code 48900, as amended by SB 274 (Ch. 597, Statutes of 2024), until July 1, 2029, a district may not suspend a student in grades 6-12 for disruption or willful defiance. Together with previous amendments, this means that no K-12 student may be suspended for disruption or willful defiance.</p> <p>However, pursuant to Education Code 48900, as amended by SB 274, a certificated or classified employee may refer a student for appropriate and timely in-school interventions or supports as specified in Education Code 48900.5 for disruption or willful defiance. By the end of the fifth business day, a school administrator is required to inform the referring employee, verbally or in writing, of the actions taken and if none, the rationale for not providing any timely in-school interventions or supports.</p>
		<b><u>Additional Grounds for Suspension and Expulsion: Grades 4-12</u></b>	No change		

1		A student in grades 4-12 shall be subject to suspension or recommendation for expulsion when it is determined that the student:	No change	<p>CSBA NOTE: The following section applies only to students in grades 4-12 and may be revised to reflect grade levels offered by the district.</p> <p>As discussed in Item #17 of "Grounds for Suspension and Expulsion: Grades K-12" above, although Education Code 48900(r) defines bullying to include acts involving Items #1-3 below, Education Code 48900.2-48900.4 provide that only students in grades 4-12 may be suspended or expelled for the individual acts that constitute sexual harassment, hate violence, and harassment. Because the interplay between "bullying" and Items #1-3 can raise complex legal issues, districts should consult CSBA's District and County Office of Education Legal Services or district legal counsel, as appropriate.</p>
	1	Committed sexual harassment as defined in Education Code 212.5	No change	
	1 (2)	<i>Sexual harassment</i> means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment.	No change	
	2	Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233	No change	
	2 (2)	<i>Hate violence</i> means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity,	No change	

		religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics.		
	3	Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment	No change	
		<del>Additional Grounds for Suspension and Expulsion: Grades 9-12</del>	Delete	
	1	<del>Any student in grades 9-12 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.</del>	Delete	
		<b>Suspension from Class by a Teacher</b>	No change	
	1	A teacher may suspend a student from class for the remainder of the day and the following day for any of the acts specified in Education Code 48900 and listed as items #1-18 under "Grounds for Suspension and Expulsion: Grades K-12" above or for disruption or willful defiance at any grade level, including grades K-8.	A teacher may suspend a student from class for the remainder of the day and the following day for any of the acts specified in Education Code 48900 and listed as Items #1-19 under "Grounds for Suspension and Expulsion: Grades K-12" above or for disruption or willful defiance at any grade level.	CSBA NOTE: The following section is optional and may be revised to reflect district practice. As stated above, Education Code 48900(k), as amended by SB 274, extends the prohibition from suspending a student in grades K-12 for disruption or willful defiance, formerly applicable to students in grades K-8, to all students. Suspension of a student in grades 6-12 for disruption or willful defiance is prohibited until July 1, 2029. However, teachers may still suspend a student from

				class for disruption or willful defiance pursuant to Education Code 48910. As part of the other means of correction specified in Education Code 48900.5, employees may also refer students for timely in-school interventions or supports for disruption or willful defiance. Pursuant to Education Code 48900, if a student is referred on this basis, school administrators, are required to inform the referring employee within five business days, verbally or in writing, of the actions taken and, if none, the rationale for not providing any timely in-school interventions or supports.
2		When suspending a student from class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. If that action requires the continuing presence of the student at school, the student shall be appropriately supervised during the class periods from which the student has been suspended.	No change	
3		As soon as possible after the teacher <del>decides to suspend</del> the student, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the suspension. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if <del>either</del> the parent/guardian or teacher <del>so requests</del> .	As soon as possible after the teacher <i>has suspended</i> the student, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the suspension. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if <i>requested by</i> the parent/guardian or teacher.	
4		A student suspended from class shall not be returned to class during the period of the suspension without the approval of the teacher of the class and the principal or designee.	No change	

5		A student suspended from class shall not be placed in another regular class during the period of suspension. However, a student assigned to more than one class per day may continue to attend other regular classes except those held at the same time as the class from which the student was suspended.	No change	
			<i>A teacher may also refer a student, for any of the acts specified above in Education Code 48900, to the principal or designee for consideration of a suspension from school.</i>	
6		The teacher of any class from which a student is suspended may require the student to complete any assignments and tests missed during the removal.	No change	
		<b><u>Suspension by Superintendent, Principal or Principal's Designee</u></b>	No change	
1		To implement disciplinary procedures at a school site, the principal may, in writing, designate as the principal's designee another administrator or, if the principal is the only administrator at the school site, a certificated employee. As necessary, the principal may, in writing, also designate another administrator or certificated employee as the secondary designee to assist with disciplinary procedures when the principal and the principal's primary designee are absent from the school site.	No change	
2		The Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity to have committed any of the acts listed in the Board policy under "Authority to Expel" for which a recommendation of expulsion is required.	The Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity <i>away from school</i> to have committed any of the acts listed in the Board policy under "Authority to Expel" for which a recommendation of expulsion is required.	
3		The Superintendent, principal, or designee may impose a suspension for a first offense if	No change	CSBA NOTE: Education Code 48900.5 limits situations warranting suspension for a first

		it is determined that the student violated any of items #1-5 listed under "Grounds for Suspension and Expulsion: Grades K-12" above or if the student's presence causes a danger to persons.		offense to when the violation involves Education Code 48900(a)-(e) or the student's presence causes a danger to persons.
4		For all other offenses, a student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct.	No change	CSBA NOTE: Pursuant to Education Code 48900 and 48915, except for certain egregious acts or offenses for which suspension is permissible or mandatory, as specified above pursuant to Education Code 48915(a) or (c), the Superintendent or principal is authorized to provide an alternative, age-appropriate disciplinary measure that is tailored to correct a student's specific misbehavior. In addition, the U.S. Department of Justice's Civil Rights Division (DOJ) and the U.S. Department of Education's Office for Civil Rights (OCR), in their joint January 2014 Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline (which has been under review by DOJ and OCR since July 30, 2021), recommend that effective alternatives to suspension and expulsion be implemented for correcting student misbehavior. For a list of appropriate alternatives, see AR 5144 - Discipline.
5		When other means of correction are implemented prior to imposing suspension <del>or supervised suspension</del> upon a student, the Superintendent, principal, or designee shall document the other means of correction used and retain the documentation in the student's record.	When other means of correction are implemented prior to imposing suspension upon a student, <i>including supervised suspension</i> , the Superintendent, principal, or designee shall document the other means of correction used and retain the documentation in the student's record.	
		<b><u>Length of Suspension</u></b>	No change	
1		The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days.	No change	

2		A student may be suspended from school for not more than 20 school days in any school year. However, if a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class for the purpose of adjustment, the student may be suspended for not more than 30 school days in a school year. The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year.	A student may be suspended from school for not more than 20 school days in any school year. However, if a student enrolls in or is transferred to another regular school, an opportunity school <i>or class</i> , or continuation school or class for the purpose of adjustment, the student may be suspended for not more than 30 school days in a school year. The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year.	
3		These restrictions on the number of days of suspension shall not apply when the suspension is extended pending an expulsion.	<b>No change</b>	
		<b><u>Due Process Procedures for Suspension</u></b>	<b>No change</b>	
1		Suspensions shall be imposed in accordance with the following procedures:	<b>No change</b>	CSBA NOTE: District disciplinary procedures are generally subject to basic constitutional due process requirements, such as the provision of notice and/or hearing, especially with respect to suspension, involuntary transfer, expulsion, or other serious disciplinary actions. However, when dealing with certain categories of students, additional procedures apply. For example, when considering suspension of a student who is a foster youth or Indian child, as defined in Welfare and Institutions Code 224.1, Education Code 48853.5, 48911, 48911.1, and 48915.5 require that the foster youth's educational rights holder, attorney, and county social worker receive specified notifications in relation to the suspension, and for an Indian child, the child's tribal social worker, and if applicable, county social worker. See Items #1, 3, 5, and 6 below.

1		<p><u>Informal Conference</u>: Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, including the other means of correction that were attempted before the suspension as required pursuant to Education Code 48900.5, and the evidence against the student, and shall be given the opportunity to present the student's version and evidence.</p>	<p><u>Informal Conference</u>: Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, including the other means of correction that were attempted before the suspension as required pursuant to Education Code 48900.5, and the evidence against the student, and shall be given the opportunity to present the student's version and evidence <i>in the student's defense</i>.</p>	
1 (2)		<p>This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, <b>both</b> the parent/guardian <b>and</b> <b>student</b> shall be notified of the student's right to return to school for the purpose of the conference <b>and</b> the conference shall be held within two school days, unless the student waives the right to it or is physically unable to attend for any reason. In such a case, the conference shall be held as soon as the student is physically able to return to school.</p>	<p>This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, <i>the student</i>, the <i>student's</i> parent/guardian, <i>or if the student is a foster youth, the foster youth's educational rights holder, attorney, and county social worker, or if the student is an Indian child, the Indian child's tribal social worker and, if applicable, county social worker</i>, shall be notified of the student's right to a conference and the right to return to school for the purpose of the conference. The conference shall be held within two school days, unless the student waives the right to it or is physically unable to attend for any reason. In such a case, the conference shall be held as soon as the student is physically able to return to school <i>for the conference</i>.</p>	



2		<p><u>Administrative Actions:</u> All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee.</p>	<p><b>No change</b></p>	<p>CSBA NOTE: Item #2 below should be revised to reflect the district's processing and reporting procedures.</p>
3		<p><u>Notice to Parents/Guardians:</u> At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone <b>or in person</b>. Whenever a student is suspended, the parent/guardian shall also be notified in writing of the suspension.</p>	<p><u>Notice to Parents/Guardians:</u> At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian, <i>or if the student is a foster youth, the foster youth's educational rights holder, attorney, and county social worker, or if the student is an Indian child, the Indian child's tribal social worker, and, if applicable, the county social worker, in person, by email, or by telephone.</i> Whenever a student is suspended, the parent/guardian, <i>or, if applicable, the foster youth's educational rights holder, attorney, and county social worker, or the Indian child's tribal social worker and, if applicable, the county social worker,</i> shall also be notified in writing of the suspension.</p>	
3 (2)		<p>This notice shall state the specific offense committed by the student.</p>	<p><b>No change</b></p>	
3 (3)		<p>In addition, the notice may state the date and time when the student may return to school.</p>	<p><b>No change</b></p>	
4		<p><u>Parent/Guardian Conference:</u> Whenever a student is suspended, school officials may <b>request</b> a meeting with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter.</p>	<p><u>Parent/Guardian Conference:</u> Whenever a student is suspended, school officials may <i>conduct</i> a meeting with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter.</p>	
4 (2)		<p>If school officials request to meet with the parent/guardian, the notice may state that the law requires the <b>parent/guardian</b> to respond to such requests without delay.</p>	<p>If school officials request to meet with the parent/guardian, <i>a foster youth's educational rights holder, attorney, and county social worker, or an Indian child's tribal social</i></p>	

		<p>However, <b>no penalties may be imposed on the student</b> for the failure of the parent/guardian to attend such a conference. The student may not be denied reinstatement solely because the <b>parent/guardian</b> failed to attend the conference.</p>	<p><i>worker, and, if applicable, the county social worker, the notice may state that the law requires such individuals to respond to the request without delay. However, the student shall not be penalized for the failure of the parent/guardian, a foster youth's educational rights holder, attorney, and county social worker, or an Indian child's tribal social worker, and, if applicable, the county social worker, to attend such a conference. The student may not be denied reinstatement solely because such individuals failed to attend the conference.</i></p>	
5		<p><u>Extension of Suspension:</u> If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision, provided the following requirements are followed:</p>	<p><b>No change</b></p>	
	a.	<p>The extension of the original period of suspension is preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. <b>This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension</b></p>	<p>The extension of the original period of suspension is preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard</p>	
			<p><i>a.(2) This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension.</i></p>	
	b.	<p>The Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to</p>	<p><b>No change</b></p>	

		participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process		
		c. If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting	If the student involved is a foster youth <i>or Indian child</i> , the Superintendent or designee shall notify the district's <i>educational</i> liaison of the need to invite the foster youth's <i>educational rights holder</i> , attorney <i>and county social worker, or the Indian child's tribal social worker or, if applicable, the county social worker</i> , to attend the meeting	CSBA NOTE: When the student being considered for expulsion is a foster youth or Indian child, Education Code 48911 and 48918.1 require the district to invite the foster youth's educational rights holder, attorney, and county social worker, or the Indian child's tribal social worker or, if applicable, the county social worker, to the meeting specified above. See "Additional Notice of Expulsion Hearing for Foster Youth, Homeless Students, and Indian Children, below."
		d. If the student involved is a homeless child or youth, the Superintendent or designee shall notify the district liaison for homeless students	If the student involved is a child or youth <i>experiencing homelessness</i> , the Superintendent or designee shall notify the district liaison for homeless students	CSBA NOTE: Pursuant to Education Code 48918.1, the district's liaison for homeless students must be notified when the student being considered for expulsion is a student experiencing homelessness. See "Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students."
		d. (2) In lieu of or in addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct the behavior and keep the student in school.	<i>e. No change</i>	CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Since Education Code 48900 and 48900.5 require a district, under certain circumstances, to use alternative disciplinary measures prior to imposing suspension, including supervised suspension, the district may, as necessary, provide services that would address the student's specific misbehavior along with the suspension program. For example, the district may require the student to enroll in a program that teaches prosocial behavior or anger management even while the student is suspended.
		<b>Suspension by the Board</b>	<b>No change</b>	

1		The Board may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," and <del>"Additional Grounds for Suspension and Expulsion: Grades 9-12"</del> above and within the limits specified under "Suspension by Superintendent, Principal, or Designee" above.	The Board may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12," and "Additional Grounds for Suspension and Expulsion: Grades 4-12," above and within the limits specified under "Suspension by Superintendent, Principal, or Designee," above.	CSBA NOTE: The following optional section reflects the Board's authority to suspend students from school pursuant to Education Code 48912. In practice, it is impractical for boards to directly exercise this authority since circumstances warranting suspension usually require quick and sometimes immediate action which may not be possible for a board due to legal requirements for taking board actions, such as having a meeting.
2		The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester. The suspension shall meet the requirements of Education Code 48915.	No change	
3		When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold a closed session if a public hearing would lead to disclosure of information that would violate a student's right to privacy under Education Code 49073-49079.	No change	
4		The Board shall provide the student and parent/guardian with written notice of the closed session by registered or certified mail or personal service. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session.	No change	
		<b><u>On-Campus Suspension</u></b>	No change	
1		A student for whom an expulsion action has not been initiated and who poses no imminent danger or threat to the school,	No change	CSBA NOTE: The following optional section is for use by any district establishing an on-campus suspension program pursuant to

		students, or staff may be assigned to on-campus suspension in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply:		Education Code 48911.1. However, pursuant to Education Code 48900.5, such a district is required to use other means of correcting a student's behavior before imposing a supervised suspension, unless such a supervised suspension is otherwise permitted by law for a student's first offense. Use of a supervised suspension classroom program does not in any way limit the district's ability to transfer a student to an opportunity school or class or a continuation education school or class in accordance with law.
	1	The on-campus suspension classroom shall be staffed in accordance with law	No change	
	2	The student shall have access to appropriate counseling services	No change	
	3	The on-campus suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension	No change	
	4	The student shall be responsible for contacting the student's teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.	The student shall be responsible for contacting the student's teacher(s) to receive assignments to be completed in the supervised suspension classroom and the teacher(s) shall provide all assignments and tests that the student will miss while suspended	
			<i>4.(2) If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.</i>	
	2	At the time a student is assigned to an on-campus suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one	At the time a student is assigned to an on-campus suspension classroom, the principal or designee shall notify the student's parent/guardian, <i>or if the student is a foster youth, the foster youth's educational rights holder, attorney, and county social worker, or,</i>	

		class period, this notification may be made in writing.	<i>if the student is an Indian child, the Indian child's tribal social worker and, if applicable, county social worker, in person, by email, or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing.</i>	
		<b><u>Superintendent or Principal's Authority to Recommend Expulsion</u></b>	<b>No change</b>	
1		Unless the Superintendent or principal determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, the Superintendent or principal shall recommend a student's expulsion for any of the following acts:	<b>No change</b>	
	1	Causing serious physical injury to another person, except in self-defense	<b>No change</b>	
	2	Possession of any knife or other dangerous object of no reasonable use to the student	<b>No change</b>	
	3	Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-11058, except for:	Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-11059, except for:	
	a.	the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or	<b>No change</b>	
	b.	the student's possession of over-the-counter medication <b>or other medication prescribed by a physician</b>	The student's possession of over-the-counter medication <i>for use by the student for medical purposes</i>	
			<i>c. Medication prescribed for the student by a physician</i>	
	4	Robbery or extortion	<b>No change</b>	
	5	Assault or battery, as defined in Penal Code 240 and 242, upon any school employee	<b>No change</b>	
2		In determining whether <b>or not</b> to recommend the expulsion of a student, the	In determining whether to recommend the expulsion of a student, the Superintendent,	

		Superintendent, principal, or designee shall act as quickly as possible to ensure that the student does not lose instructional time.	principal, or designee shall act as quickly as possible to ensure that the student does not lose instructional time.	
		<b><u>Student's Right to Expulsion Hearing</u></b>	<b>No change</b>	
1		Any student recommended for expulsion shall be entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed the act(s) that form the basis for the expulsion recommendation.	<b>No change</b>	CSBA NOTE: Education Code 48918 mandates that the Board establish rules and regulations governing procedures for the expulsion of students. The timelines of Education Code 48918 must be strictly followed; failure to do so may result in loss of the district's power to act (Garcia v. Los Angeles Board of Education). In calculating timelines, the district should also be aware of the difference between the calculation of "school days" and "calendar days" under Education Code 48918.
2		The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion.	<b>No change</b>	
3		If the Board finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held.	<b>No change</b>	
4		If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925.	If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. <i>Unless the</i>	

			<i>student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year.</i>	
5		Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year.	<b>Delete</b>	
6		Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay.	<b>No change</b>	
		<b>Stipulated Expulsion</b>	<b>No change</b>	
1		After a determination that a student has committed an <b>expellable</b> offense, the Superintendent, principal, or designee shall offer the student and parent/guardian the option to waive a hearing and stipulate to the expulsion or to a suspension of the expulsion under certain conditions. The offer shall be made only after <b>the student or parent/guardian has been given</b> written notice of the expulsion hearing pursuant to Education Code 48918.	After a determination that a student has committed an offense <i>for which the student may be expelled</i> , the Superintendent, principal, or designee shall offer the student, the <i>student's</i> parent/guardian, <i>or, when applicable, other person holding the right to make educational decisions for the student</i> , the option to waive a hearing and stipulate to the expulsion or to a suspension of the expulsion under certain conditions. The offer shall be made only after written notice of the expulsion hearing pursuant to Education Code 48918 <i>has been given</i> .	CSBA NOTE: The following section is optional and may be revised to reflect district practice. "Stipulated expulsion" is for districts that have adopted an expedited procedure which allows a student to waive the right to a pre-expulsion hearing in exchange for an agreement as to the terms of the expulsion. Such waivers are not specifically addressed in law and districts should ensure that the due process rights of students are included in the stipulated agreement and are clearly explained before the agreement is signed. Districts should consult with CSBA's District and County Office of Education Legal Services or district legal counsel as appropriate.
2		The stipulation agreement shall be in writing and shall be signed by the student and parent/guardian. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of the right to have a full hearing, to appeal the expulsion to the County Board of Education, and to consult legal counsel.	The stipulation agreement shall be in writing and shall be signed by the student, the student's parent/guardian, <i>or, when applicable, the person holding the right to make educational decisions for the student</i> . The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of the right to have a full hearing, to appeal the expulsion to the County	



			Board of Education, and to consult legal counsel.	
		A stipulated expulsion agreed to by the student <b>and</b> parent/guardian shall be effective upon approval by the Board.	A stipulated expulsion agreed to by the student, <i>the student's</i> parent/guardian, <i>or, when applicable, the person holding the right to make educational decisions for the student,</i> shall be effective upon approval by the Board.	
		<b><u>Rights of Complainng Witness</u></b>	<b>No change</b>	
1		An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness.	<b>No change</b>	CSBA NOTE: Education Code 48918.5 mandates the following rights related to the treatment of witnesses alleging acts of sexual assault or sexual battery. Other procedures related to complaining witnesses also may be added as desired by the district. Additional mandated procedures related to the rights and treatment of complaining witnesses are included where appropriate throughout this regulation.
2		Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, the Superintendent or designee shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of the right to:	<b>No change</b>	
	1	Receive five days' notice of the scheduled testimony at the hearing	<b>No change</b>	
	2	Have up to two adult support persons present at the hearing at the time the witness testifies	<b>No change</b>	
	3	Have a closed hearing during the time the witness testifies	<b>No change</b>	
3		Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students	<b>No change</b>	

		to refrain from personal or telephone contact with each other during the time when an expulsion process is pending.		
		<b>Written Notice of the Expulsion Hearing</b>	No change	
1		Written notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include:	No change	CSBA NOTE: Education Code 48918 mandates the Board to adopt procedures that include the following items.
	1	The date and place of the hearing	No change	
	2	A statement of the specific facts, charges, and offense upon which the proposed expulsion is based	No change	
	3	A copy of district disciplinary rules which relate to the alleged violation	No change	
	4	Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment	No change	
	4 (2)	This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).	No change	
	5	The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a non-attorney adviser	No change	
	5 (2)	<i>Legal counsel</i> means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.	No change	
	5 (3)	<i>Non-attorney adviser</i> means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has	No change	

		been selected by the student or student's parent/guardian to provide assistance at the hearing.		
	6	The right to inspect and obtain copies of all documents to be used at the hearing	No change	
	7	The opportunity to confront and question all witnesses who testify at the hearing	No change	
	8	The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses	No change	
		<b><u>Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students</u></b>	No change	
1		If the student facing expulsion is a foster student, the Superintendent or designee shall also send notice of the hearing to the student's attorney and a representative of an appropriate child welfare agency at least 10 days prior to the hearing.	If the student facing expulsion is a foster student <i>or Indian child</i> , the Superintendent or designee shall also send notice of the hearing to the <i>foster youth's educational rights holder</i> , attorney, <i>and county social worker, or the Indian child's tribal social worker and, if applicable, county social worker</i> , at least 10 calendar days prior to the hearing.	CSBA NOTE: Prior to conducting an expulsion hearing to determine whether a foster youth or Indian child should be expelled, Education Code 48918.1 requires the district to notify the foster youth's educational rights holder, attorney, and county social worker, or an Indian child's tribal social worker and, if applicable, county social worker, provided that the violation does not require a mandatory recommendation for expulsion. Pursuant to Education Code 48918.1, such additional notice must be given to the district liaison for homeless students when the student involved is a child or youth experiencing homelessness and the violation does not require a mandatory recommendation for expulsion. While such a notice is not required if the offense requires a mandatory recommendation for expulsion, it is nonetheless recommended and the following section reflects this recommendation.
2		If the student facing expulsion is a homeless student, the Superintendent or designee shall	If the student facing expulsion is a student <i>experiencing homelessness</i> , the	

		also send notice of the hearing to the district liaison for homeless students at least 10 days prior to the hearing.	Superintendent or designee shall also send notice of the hearing to the district liaison for homeless students at least 10 calendar days prior to the hearing.	
3		Any notice for these purposes may be provided by the most cost-effective method possible, including by email or a telephone call.	No change	
		<b>Conduct of Expulsion Hearing</b>	No change	
1		<u>Closed Session</u> : Notwithstanding Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such a request is made, the meeting shall be public to the extent that privacy rights of other students are not violated.	No change	CSBA NOTE: Education Code 48918 mandates that the Board adopt procedures that include the following items.  Instead of the Board conducting an expulsion hearing, it may appoint a hearing officer or an impartial administrative panel to conduct the hearing; see "Alternative Expulsion Hearing: Hearing Officer or Administrative Panel," below. Even if the district conducts all expulsion hearings in this manner, the requirements of Education Code 48918 pertaining to the conduct of the hearing must be met.
1 (2)		Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether <b>or not</b> the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student also shall be allowed to attend the closed session.	Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student also shall be allowed to attend the closed session.	CSBA NOTE: For the purpose of Board deliberations during the closed session described below, the presence of any person other than the Board members, including the Superintendent, necessitates allowing the presence of the parent/guardian, student, and student's counsel.
1 (3)		If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to testify in closed session when testifying in public would threaten serious	No change	

		psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including, but not limited to, a videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television.		
	2	<u>Record of Hearing</u> : A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made.	No change	
	3	<u>Subpoenas</u> : Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20.	No change	CSBA NOTE: Education Code 48918 authorizes the Board to issue subpoenas for the personal appearance of percipient witnesses at an expulsion hearing. In Woodbury v. Dempsey, the court held that a district's authority to determine whether to issue subpoenas is discretionary, but a district could not have a blanket policy denying the issuance of subpoenas in all cases.  In accordance with Code of Civil Procedure 1987, the subpoena must be served at least 10 days before the time required for attendance unless the court prescribes a shorter time. Unless they are parties to the hearing or are district or government employees, witnesses who appear pursuant to a subpoena receive fees equal to those prescribed for witnesses in civil actions in a superior court, and all witnesses other than the parties to the hearing receive mileage; these fees and mileage must be paid by the party requesting the subpoena.
	3 (2)	Any objection raised by the student or the Superintendent or designee to the issuance of	No change	

		subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding.		
3 (3)		If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below.	If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in Item #6 below.	
4		<u>Presentation of Evidence:</u> Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," and " <del>Additional Grounds for Suspension and Expulsion: Grades 9-12</del> " above.	<u>Presentation of Evidence:</u> Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion: Grades K-12," <i>and</i> "Additional Grounds for Suspension and Expulsion: Grades 4-12," above.	
4 (2)		Findings of fact shall be based solely on the evidence at the hearing. Although no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.	<b>No change</b>	CSBA NOTE: Findings of fact made by the Board or a hearing panel must not be based on hearsay alone. "Hearsay" is evidence of an oral or written statement made by a person who is not present at the hearing which is offered to establish a fact as being true. Some exceptions to the hearsay rule exist under the Evidence Code and Education Code; the

					district should consult CSBA's District and County Office of Education Legal Services or district legal counsel as appropriate.
	4 (3)	In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.	No change		
	5	<u>Testimony by Complaining Witnesses:</u> The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student:	No change		CSBA NOTE: Education Code 48918.6 provides that testimony by a student witness at an expulsion hearing is privileged and thus protected from liability for defamation pursuant to Civil Code 47(b).
		a. Any complaining witness shall be given five days' notice before being called to testify	No change		
		b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during the testimony	No change		
		c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential	No change		
		d. The person presiding over the hearing may remove a support person who is disrupting the hearing	No change		
		e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5	No change		
		f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. <b>Before such</b>	Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard		

		<p>a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.</p>		
			<p><i>f.(2) Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.</i></p>	
		<p>g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.</p>	<p><b>No change</b></p>	
		<p>i. The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony</p>	<p><b>No change</b></p>	
		<p>ii. At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during</p>	<p><b>No change</b></p>	



		which the complaining witness may leave the hearing room		
		iii. The person conducting the hearing may:	No change	
		a Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness	No change	
		b Limit the time for taking the testimony of a complaining witness to normal school hours, if there is no good cause to take the testimony during other hours	No change	
		c Permit one of the support persons to accompany the complaining witness to the witness stand	No change	
	6	<u>Decision:</u> The Board's decision as to whether to expel a student shall be made within 40 school days after the student is removed from school, unless the student requests in writing that the decision be postponed.	No change	
		<b><u>Alternative Expulsion Hearing: Hearing Officer or Administrative Panel</u></b>	No change	
1		Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. The Board may also appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled.	No change	CSBA NOTE: For districts that use a hearing officer or administrative panel, Education Code 48918 mandates that the Board adopt procedures that include the following section.
2		A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing," including the requirement to issue a decision within 40	No change	

		school days of the student's removal from school, unless the student requests that the decision be postponed.		
3		The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated and permitted to return to the classroom instructional program from which the referral was made, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by the student's parent/guardian, the Superintendent or designee shall consult with the parent/guardian and district staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. The decision to not recommend expulsion shall be final.	No change	CSBA NOTE: Pursuant to Education Code 48918, if the hearing officer or administrative panel does not recommend expulsion, a student must be permitted to return to the classroom instructional program from which the expulsion referral was made, unless the student's parent/guardian requests a different placement. Education Code 48918 also states that a student who is found to have committed any of the violations listed in "Authority to Expel" in the accompanying Board policy but for whom expulsion is not recommended may be referred to the student's prior school, or another district comprehensive or continuation school. However, the hearing officer or administrative panel, like the Board, must recommend expulsion or a suspended expulsion under Education Code 48915, if it finds that a student committed any such violation that mandates expulsion. District should consult CSBA's District and County Office of Education Legal Services or district legal counsel to resolve this apparent discrepancy.
4		If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order.	No change	

5		In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion. If the hearing officer or administrative panel recommends that the Board expel a student but suspend the enforcement of the expulsion, the student shall not be reinstated and permitted to return to the classroom instructional program from which the referral was made until the Board has ruled on the recommendation.	No change	
		<b>Final Action by the Board</b>	No change	
1		Whether the expulsion hearing is conducted in closed or open session by the Board, a hearing officer, or an administrative panel or is waived through the signing of a stipulated expulsion agreement, the final action to expel shall be taken by the Board in public.	No change	CSBA NOTE: Education Code 48918 mandates that the Board adopt procedures that include the following paragraph.
2		The Board's decision is final. If the decision is to not expel, the student shall be reinstated immediately. If the decision is to suspend the enforcement of the expulsion, the student shall be reinstated under the conditions of the suspended expulsion.	No change	
3		Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for any "mandatory recommendation and mandatory expulsion" act listed in <b>the section</b> "Authority to Expel" in the accompanying Board policy, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion	Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for any "mandatory recommendation and mandatory expulsion" act listed in "Authority to Expel" in the accompanying Board policy, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion	CSBA NOTE: 20 USC 7961 requires the district, in the consolidated application for federal funding, to provide an assurance that it will comply with the state requirement to expel, for a period not less than one year, any student who brings a firearm to school or possesses a firearm at school.

		occurred. If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred.	occurred. If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred.	
4		At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include:	<b>No change</b>	
	1	Periodic review, as well as assessment at the time of review, for readmission	<b>No change</b>	
	2	Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs	<b>No change</b>	
5		With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school.	<b>No change</b>	CSBA NOTE: The following paragraph is optional. Education Code 48916.5 authorizes, but does not mandate, the Board to make the following requirement of certain expelled students.
		<b><u>Written Notice to Expel</u></b>	<b>No change</b>	
1		The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:	<b>No change</b>	
	1	The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," or "Additional	The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion: Grades K-12" or "Additional Grounds for Suspension and Expulsion: Grades 4-12"	

		<b>Grounds for Suspension and Expulsion: Grades 9-12"</b>		
	2	The fact that a description of readmission procedures will be made available to the student and parent/guardian	No change	
	3	Notice of the right to appeal the expulsion to the County Board	No change	
	4	Notice of the alternative educational placement to be provided to the student during the time of expulsion	No change	
	5	Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1	No change	
		<b><u>Decision to Suspend Expulsion Order</u></b>	No change	
1		In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion order, the Board shall take into account the following criteria:	No change	CSBA NOTE: Pursuant to Education Code 48917, the Board's criteria for suspending the enforcement of expulsions must be applied uniformly to all students. Items #1-3 below are optional and should be revised to reflect district criteria.
	1	The student's pattern of behavior	No change	
	2	The seriousness of the misconduct	No change	
	3	The student's attitude toward the misconduct and willingness to follow a rehabilitation program	No change	
2		The suspension of the enforcement of an expulsion shall be governed by the following:	No change	
	1	The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. <b>This rehabilitation program may provide for the involvement of the student's</b>	The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation	

		parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program.		
			<i>1.(2) This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program.</i>	
	2	During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status.	<b>No change</b>	
	3	The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," <del>or "Additional Grounds for Suspension and Expulsion: Grades 9-12"</del> above or violates any of the district's rules and regulations governing student conduct.	The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12" <i>or</i> "Additional Grounds for Suspension and Expulsion: Grades 4-12" above, or violates any of the district's rules and regulations governing student conduct	
	4	When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.	<b>No change</b>	
	5	Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. <del>Upon reinstatement, the Board may order the</del>	Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school	

		expunging of any or all records of the expulsion proceedings.		
			<i>5.(2) Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings.</i>	
6		The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. <del>The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1(b).</del>	The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian	
			<i>6.(2) The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1(b).</i>	
7		Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board.	<b>No change</b>	
		<b>Appeal</b>	<b>No change</b>	

1		The student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion order is suspended and the student is placed on probation.	<i>If a student is expelled from school</i> , the student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion order is suspended and the student is placed on probation.	
2		If the student submits a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board, the district shall provide the student with these documents within 10 school days following the student's written request.	<b>No change</b>	
		<b><u>Notification to Law Enforcement Authorities</u></b>	<b>No change</b>	
1		Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245.	<b>No change</b>	<p>CSBA NOTE: Education Code 48902 requires the principal or designee to notify law enforcement authorities when a student possesses a firearm or explosive or sells or furnishes a firearm at school. However, when the student involved in such a case is a student with a disability, Education Code 49076 requires any law enforcement authority to which student information is disclosed to certify that those records will not be disclosed to another party without the prior written consent of the student's parent/guardian or other person invested with the student's educational right; see AR 5144.2 - Suspension And Expulsion/Due Process (Students With Disabilities).</p> <p>When submitting the consolidated application for federal funding, the district must provide assurance that it has adopted a policy requiring referral to the criminal justice system or juvenile delinquency system of any</p>



				student who brings a firearm or weapon to a school. The following section fulfills this requirement.
2		The principal or designee shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance, or of any student acts involving the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10.	No change	
3		Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate county or district law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering, or sale of controlled substances, alcohol, or intoxicants of any kind.	No change	
		<b><u>Placement During Expulsion</u></b>	No change	
1		The Board shall refer expelled students to a program of study that is:	No change	CSBA NOTE: Education Code 48915 requires the Board to refer all expelled students to a program of study that is prepared to accommodate students with discipline problems and that is not located at the school the student currently attends or at any regular elementary, middle, junior, or senior high school. However, students expelled for the acts described in Education Code 48900(f) through (m) or Education Code 48900.2, 48900.3, or 48900.4 may be referred to a program of study that is at another elementary, middle, junior, or senior high

				<p>school if the County Superintendent of Schools certifies that an alternative program is not available at a site away from such a school.</p> <p>Education Code 48915.01 states that if the Board has established a community day school pursuant to Education Code 48661 on the same site as an elementary, middle, junior, or senior high school, expelled students may be referred to the community day school at that site. Although Education Code 48663 prohibits the use of independent study in community day schools, Education Code 48916.1 does not in any way restrict the district from offering independent study as a voluntary alternative placement option for expelled students.</p>
	1	Appropriately prepared to accommodate students who exhibit discipline problems	No change	
	2	Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at any of these	No change	
	3	Not housed at the school site attended by the student at the time of suspension	No change	
2		When the placement described above is not available and when the County Superintendent so certifies, students expelled for only acts described in items #6-12 under "Grounds for Suspension and Expulsion: Grades K-12" and items #1-3 under "Additional Grounds for Suspension and Expulsion: Grades 4-12" above may be referred to a program of study that is provided at another comprehensive middle,	No change	

		junior, or senior high school or at an elementary school.		
3		The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12.	No change	
		<b>Readmission After Expulsion</b>	No change	
1		Prior to the date set by the Board for the student's readmission:	No change	CSBA NOTE: Education Code 48916 mandates that the Board adopt rules and regulations establishing a procedure for filing and processing requests for readmission and a process for Board review of all expelled students for readmission. Items #1-2 below should be revised to reflect district practice.
	1	The Superintendent or designee shall hold a conference with the parent/guardian and the student. <del>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.</del>	The Superintendent or designee shall hold a conference with the student's parent/guardian, <i>or other person holding the right to make educational decisions for the student</i> , and the student	
			<i>1.(2) 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 the student's parent/guardian or other person holding the right to make educational decisions for the student shall be asked to indicate in writing their willingness to comply with these regulations.</i>	

2		<p>The Superintendent or designee shall transmit to the Board a recommendation regarding readmission. <del>The Board shall consider this recommendation in closed session. If a written request for open session is received from the parent/guardian or adult student, it shall be honored to the extent that privacy rights of other students are not violated.</del></p>	<p>The Superintendent or designee shall transmit to the Board a recommendation regarding readmission</p>	
			<p><i>2.(2) The Board shall consider this recommendation in closed session. If a written request for open session is received from the student's parent/guardian or other person holding the right to make educational decisions for the student, or adult student, it shall be honored to the extent that privacy rights of other students are not violated.</i></p>	
3		<p>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.</p>	<p>If the readmission is granted, the Superintendent or designee shall notify the student and the <i>student's</i> parent/guardian, <i>or other person holding the right to make educational decisions for the student</i>, by registered mail, of the Board's decision regarding readmission</p>	
4		<p>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</p>	<p><b>No change</b></p>	
5		<p>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,</p>	<p><b>No change</b></p>	

		including placement in a county community school		
	6	The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying re-admittance into the regular program. <del>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.</del>	The Board shall provide written notice to the expelled student and <i>the student's</i> parent/guardian, <i>or other person holding the right to make educational decisions for the student</i> , describing the reasons for denying readmittance into the regular program	
			<i>6.(2) 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.</i>	
	2	No student shall be denied readmission into the district based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other such contact with the juvenile justice system.	<b>No change</b>	
		<b><u>Maintenance of Records</u></b>	<b>No change</b>	
	1	The district shall maintain a record of each suspension and expulsion, including its specific cause(s).	<b>No change</b>	
	2	Expulsion records of any student shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon written request by that school.	<b>No change</b>	
	3	The Superintendent or designee shall, within five working days, honor any other district's	<b>No change</b>	CSBA NOTE: Education Code 48915.1 requires that, when an expelled student asks to enroll

		request for information about an expulsion from this district.		in another district, the receiving district must hold a hearing to determine whether the student poses a danger to its students or staff. The receiving district then may either deny or permit the enrollment. Upon request from another district, the expelling district must provide information about the expulsion within five days.
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