

# Student Services Expulsion Timeline Overview

*What is expulsion?* **Expulsion means your school district prevents you from attending traditional schools in your school district because of the commission of certain acts as defined in Education Code (EC) sections 48900-48900.7.**

*(EC defines "expulsion" as the removal of a pupil from the immediate supervision and control or general supervision of school personnel (§ 48925 (b))*



## • **Determination of Misconduct (EC § 48900-48903)**

- Principal or designee suspends the pupil pending expulsion recommendation for up to five (5) days for violation of Education Code (EC) and conducts a parent/student conference (EC §48911- 48914). *Three types of expulsion recommendations:*
  - Mandatory expulsion (zero tolerance offenses) recommendation (EC §48915 (c))
  - Discretionary expulsion recommendation (EC §48915 (a)) and EC § 48900.
  - Stipulated expulsion recommendation- pupil not contesting facts of violation; waives rights to a hearing; expulsion process expedited.



## • **Extension of Suspension & Notice of Expulsion Hearing**

- Superintendent or designee meets with parent and pupil by 5th day of suspension if extending suspension (EC §48911 (g)). If not extending suspension, reinstatement of pupil shall not be contingent upon parent attending conference.
- Parent meeting to contest the suspension and decision to extend the suspension can be held at the same time.
- Written notice to parent to extend the suspension until school district governing board has rendered a decision.



## • **Expulsion Hearing**

- The pupil is entitled to a hearing. *There are two ways to conduct the hearing:*
  - 1.A hearing conducted by the governing school board within 30 **school days** of determination of pupil misconduct
  - 2.A hearing conducted by administrative panel or hearing officer within 40 **school days** of suspension (EC § 48918 (a)(1)(2)(3))
- Pupil can request at least one postponement of hearing in writing for up to 30 **calendar days** and a postponement the decision.
- Superintendent/designee can extend the postponement by 5 **school days** for good cause (EC §48918 (a)(3))
- Written notice of the expulsion panel hearing shall be forwarded to the parent/guardian at least **10 calendar days** before hearing (EC §48918 (b))
- If hearing is conducted by an administrative panel or hearing officer, they have 3 **school days** after the hearing to deliberate findings and make a recommendation (EC §48918 (e)): *Findings options are:*
  - Not to recommend expulsion; proceedings end; student is readmitted to school immediately; parent can request another school
  - Agrees that pupil committed any acts, but recommends no expulsion; student is readmitted to school immediately; may be referred to another school or continuation school; decision not to recommend is final
  - Recommends expulsion to governing board; **only** governing school board can order expulsion



## • **Governing School Board of Education Action**

- If hearing was conducted by governing board, board has 10 **school days** to make the final decision whether to expel (EC §48918 (a) (2)).
- **Final** decision whether or not to expel is the authority of the governing school board.
- *On some occasions, a district may suspend the enforcement of an expulsion order allowing a pupil to return to school under certain conditions; however, the thirty (30) calendar day time limitation from the order of expulsion applies to file an appeal with the County Board of Education, even though the order of the expulsion is suspended and the pupil may be attending school. (EC § 48917(f))*

## • **Appeal to County Board of Education (CBE)**

- To appeal school board's action to the CBE, parent/guardian has 30 **calendar days**; county board shall hold a hearing within 20 **school days**; county board has 3 **school days** to render a final decision (EC §48919).
- CBE can decide to: remand the matter to school district, grant new hearing, affirm or reverse governing board decision.
- Decision of the CBE shall be **final and binding** upon the pupil and governing board of the school district (EC § 48924); decision can be litigated.

*For more information, please visit the following websites:*

<https://www.cde.ca.gov/ls/ss/se/expulsionrecomm.asp>

<https://www.aclunc.org/our-work/know-your-rights/know-your-rights-suspensions-expulsions-and-involuntary-transfers>