

Official action of the Board of Trustees on June 7, 2018, to be used for official record of employment, travel, bid awards, other authorizations as necessary or indicated.

**Triennial Review, Countywide Expulsion Plan for Expelled Students**

**Background Information:**

The Countywide Expulsion Plan for Expelled Students is reviewed every three years by the Orange County Department of Education and the 28 school districts located in Orange County, via county meetings that include representatives from each district. The entire plan is reviewed and gaps of services are identified.

**Current Consideration:**

The plan will provide educational services to expelled students according to Education Code Section 48916.1. This plan is created to address areas of concern for the years 2018-21.

**Budget Implication:**

There is no impact to the budget.

**Action:**

The Board of Trustees approved the plan.

Michael B. Matsuda  
Superintendent

**Three-Year Expulsion Plan**

**Between The**

**Anaheim Union High School District**

**And The**

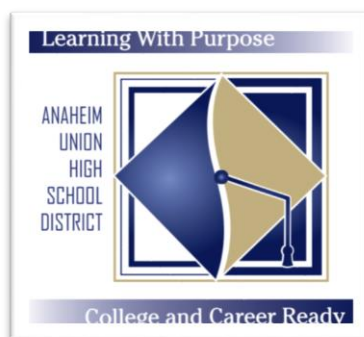
**Orange County Department of Education**

**For The**

**Implementation of Education Code 48916.1**

**[Providing Educational Services to Expelled Students]**

**2018 – 2021**



# **PLAN FOR PROVIDING EDUCATIONAL SERVICES TO ALL EXPELLED STUDENTS IN ORANGE COUNTY 2018-2021**

## **General Provisions**

As required by Education Code section 48926, the Orange County Superintendent of Schools has developed an expulsion plan in conjunction with the Superintendents of the school districts in Orange County. The plan provides for educational services to all expelled students in the county for school years 2018-19, 2019-20 and 2020-21. The current plan has been adopted by the governing board of each school district in Orange County and the Orange County Board of Education. A student whose behavior has resulted in an expulsion is provided a rehabilitation plan which ensures placement in an educational program. All educational alternatives provided by Orange County school districts are not available to all expelled students. The type of offense, location of offense, grade level and nature of the student's individualized needs all have the potential to affect the educational alternatives available to the student during the period of expulsion. Students expelled for any of the offenses listed in subdivision (a) or (c) of Section 48915 of the California Education Code shall not be permitted to enroll in any district-operated program during the period of expulsion unless it is a community day school (E.C. section 48915.2).

All expelled students shall be referred to an educational placement that is 1) appropriately prepared to accommodate students who exhibit discipline problems; 2) not situated at a comprehensive middle, junior, or senior high school, or at any elementary school, and 3) not housed at the school site attended by the student at the time of the offense (E.C. section 48915). In addition to the requirements stated above, such factors as district size, district level alternatives, county level alternatives, local control accountability plans and district philosophy can influence the decisions by a district board of education regarding what educational alternatives are appropriate for the students who are expelled.

## **Educational Alternatives for Expelled Students**

The governing board of each school district will determine which educational alternatives are appropriate and available pursuant to Education Code section 48916.1. Educational alternatives throughout Orange County for students recommended for expulsion include, but are not limited to the following options:

1. Expulsion, suspended order, with placement on the same school campus [E.C. section 48917 (a)].
2. Expulsion, suspended order, with placement on a different school campus within the district [E.C. section 48917 (a)].
3. Expulsion with referral to a district community day school program, if available [E.C. section 48660].
4. Expulsion with subsequent transfer to another district.
5. Expulsion with referral to the Orange County Department of Education, Division of Alternative, Community and Correctional Education Schools and Services (ACCESS) [E.C. section 1981].

A specific referral to a district community day school or county community school is made by the school district with recommendations from the district discipline review board, School Attendance Review Board (SARB), or by another established district referral process as required by statute.

The school district of residence maintains the responsibility for developing a rehabilitation plan for expelled students and referring students to an appropriate educational setting. Expelled students who complete their rehabilitation plan obligations are reviewed by the district for possible return to district of residence programs.

Expelled students who fail to meet the terms and conditions of the district rehabilitation plan for readmission may continue to be referred to an appropriate educational setting within another district alternative program, district community day school program, or the Orange County Department of Education ACCESS program.

### **Charter School Requirements and Expulsion**

Charter schools develop their own policies and procedures regarding student expulsion and student dismissal. They are not required to follow Education Code section 48900 et seq. as the basis of their discipline or expulsion policy, although by regulation petitioners must demonstrate familiarity with these provisions. Charter schools have the option to adopt their chartering district's policy and procedures in regard to expulsion.

A student who is expelled from a charter school may return to the school district of residence. As set forth in Education Code section 47605 (d)(3), if a pupil subject to compulsory full-time education pursuant to Education Code section 48200 is expelled or leaves a charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. Once the school district has documentation of the expulsion order, the provisions of Education Code sections 48915.1 and 48915.2 to determine whether or not the pupil may enroll in a district school or must be referred to a county community school or district community day school (EC section 48915.2).

### **Expelled Students Who Commit Subsequent Violation(s)**

The placement of expelled students who commit subsequent expellable violations will be placed in one of the following options:

- If the student commits a subsequent violation of Education Code section 48900 and following, the student may be referred to another district alternative program or to the Orange County Department of Education.
- If the expelled student commits another violation of the Education Code while enrolled in the Orange County Department of Education ACCESS program, the student will be placed at another community school site within the Administrative Unit (AU) or transferred to another AU operated by the Orange County Department of Education, in accordance with Orange County Department of Education Policy and Procedures.

### **Expelled Students Who Fail District Community Day School**

An expelled student who fails his/her placement in a district community day school program may be placed in one of the following options:

- Other existing district educational alternatives.
- Orange County Department of Education, ACCESS program or a program operated by the Orange County Department of Education Division of Special Education Services.

### **Special Education Students**

Students eligible under the Individuals with Disabilities Act (IDEA) may be referred to the Orange County Department of Education pursuant to the Individualized Education Program (IEP) process outlined in Education Code section 48915.5 and Orange County Department of Education procedures. Students eligible under Section

504 of the Rehabilitation Act of 1973 may also be referred to the Orange County Department of Education program in accordance with Section 504 procedures. School districts must take into consideration the contents of the student's IEP when making placement recommendations. Any change in placement requires the school district to convene an IEP meeting. The IEP team identifies a special education program and related services appropriate for the student. Placement options may include district, special education local plan area (SELPA), or county-operated programs.

- If the district refers the expelled student to the Orange County Department of Education, the district shall convene an IEP meeting prior to the referral to jointly identify an appropriate special education program and related services. A representative from the Orange County Department of Education shall participate in the IEP meeting. The district or Orange County Department of Education, as identified in the SELPA Plan, will provide special education services in accordance with the student's IEP.
- When the IEP cannot be implemented within the Orange County Department of Education, the district of residence is responsible for providing a Free and Appropriate Public Education (FAPE) within the continuum of program options identified in its SELPA plan.
- The Orange County Department of Education also provides an interim alternative educational setting while school districts search for permanent placements for students eligible under the IDEA (not excluding county options). [34 C.F.R. section 300.530(g)]

## **Orange County Department of Education Options**

### **Orange County Department of Education Options**

The Orange County Department of Education is committed to providing a spectrum of educational options for students expelled from Orange County school districts. Educational options are provided through the Division of Alternative Education, known as Alternative, Community, and Correctional Education Schools and Services (ACCESS), a Western Association of Schools and Colleges-accredited (WASC) program, and the Division of Special Education Services. The Orange County Department of Education's mission is to ensure that all students are equipped with the competencies they need to thrive in the 21st Century. In addition, ACCESS's mission is to care for, teach, and inspire all students to discover their potential, develop their character, and maximize their learning so they may become successful contributors to society.

The policy of each individual school district affects how the Orange County Department of Education will meet the needs of that particular school district. Some districts use the Orange County Department of Education programs as educational options for those students expelled under Education Code section 48900. The Orange County Department of Education also works with Orange County school districts to provide information and data in support of local control accountability plan goals and priorities, including but not limited to pupil engagement, school climate and pupil outcomes.

The Orange County Department of Education Division of Special Education Services provides special education programs and services to individuals with exceptional needs requiring intensive educational services. Referrals to the Division of Special Education Services shall be made in accordance with current procedures.

The ACCESS program provides options for expelled youth at over 45 sites contained within 6 Administrative Units located throughout the county. Regional options may include:

- Classroom instruction serving grades 9-12, delivered daily for 240-270 minutes aligned with the State Frameworks/Standards.
- Classroom instruction serving grades 6-8, delivered daily for 240-270 minutes aligned with the State Frameworks/Standards.

- Contracted learning/independent study programs for students who elect, with parent/teacher approval, not to participate in daily classroom instructional programs. These contracted learning/independent study programs require students to complete a minimum of 20 hours per week of educational product.
- Parent directed home instruction independent study programs through the Community Home Education Program (CHEP) serving students in transitional kindergarten (TK) through grade 8 and Pacific Coast High School, a University of California (UC) approved and National Collegiate Athletic Association-accredited program serving students in grades 9-12.

## **Referral Process to the Orange County Department of Education Alternative Community Correctional Education Schools and Services (ACCESS)**

ACCESS Administrators regularly meet with school district representatives and agency partners to collaborate and coordinate placement of expelled students. Regional meetings of the Child Welfare and Attendance Administrators as well as district Student Attendance Review Board members provide an avenue for district and Orange County Department of Education representatives to discuss potential placement challenges, explore regional options and address the needs of expelled students.

Referrals to the Orange County Department of Education ACCESS program may be made directly to the ACCESS Administrative Units listed below. Referrals of students eligible under the IDEA shall be made through the IEP process and in accordance with ACCESS Special Education Procedures.

An Individual Learning Plan (ILP) will be developed for expelled students referred to ACCESS. Part of this plan includes a goal of assisting the student with meeting the requirements stated in the district rehabilitation plan to facilitate returning the student to the school district of residence at completion of the district expulsion. A Supplemental Referral Form and a Return to District Form were developed with the support of District Student Services Administrator's feedback in order to improve communication. Districts will use the "Supplemental Referral Form" to highlight unique needs of student, interventions in place, and rehabilitation plan for student. When returning to the district of residence, ACCESS will use the Return to District form to communicate student progress on the district rehabilitation plan as well as share important contact information in the case that questions may arise.

### **ACCESS Administrative Units (AU)**

<b><u>Administrative Units</u></b>	<b><u>Address</u></b>	<b><u>Phone</u></b>	<b><u>Contact Person</u></b>
<b>AU 101-North</b>	505 N. Euclid Street Suite 500 Anaheim, CA 92801	(714) 245-6795 Fax: (714) 781-5891	Ken Ko
<b><u>Administrative Units (AU)</u></b>	<b><u>Address</u></b>	<b><u>Phone</u></b>	<b><u>Contact Person</u></b>
<b>AU 103 Southeast</b>	621 W. 1st Street Tustin, CA 92780	(714) 245-6680 (714) 731-7269 fax	Chris Alfieri
<b>AU 103-Southeast South County Enrollment Office</b>	23436 Madero Suite 100B Mission Viejo, CA 92691	(949) 425-2170 (949) 707-0569 fax	Chris Alfieri
<b>AU 104 Garden Grove</b>	12822 Garden Grove Blvd. Suite D Garden Grove, CA 92843	(714) 245-6450 (714) 796-8817 fax	Talisa Sullivan
<b>AU 108 Pacific Coast High School</b>	14262 Franklin Ave. Suite 100 Tustin, CA 92780	(714) 245-6500 (714) 508-0215 fax	Machele Kilgore

<b>AU 109 CHEP</b>	11095 Knott Ave. Suite L Cypress, CA 90630	(714) 327-1000 (714) 327-1030 fax	Jane Doney
<b>AU 114 Harbor Learning Center / Fountain Valley</b>	15872 S. Harbor Blvd. Building C Fountain Valley, CA 92708	(714) 245-6440 (714) 418-1914 fax	Vern Burton

*\* Institutions/Court Schools (Placement through the Juvenile Justice Department)*

### **ACCESS Support Services**

<b>Special Education And Student Services</b>	1715 E. Wilshire Ave. Suite 708 Santa Ana, CA 92705	(714) 547-7931 (714) 796-8811 fax	Lynn Garrett
<b>Title I</b>	1735 E. Wilshire Ave. Suites 801 & 802 Santa Ana, CA 92705	(714) 836-0301 (714) 836-1920 fax	Lisa Lanier
<b>Assessment Center</b>	1715 E. Wilshire Ave. Suite 706 Santa Ana, CA 92705	(714) 835-2776 (714) 835-3861 fax	Jane Doney
<b>Attendance and Records</b>	1669 E. Wilshire Ave. Suite 601 Santa Ana, CA 92705	(714) 547-9972 (714) 547-2344 fax	Sharon Lakin
<b>Educational Programs and Services</b>	1715 E. Wilshire Ave. Suite 702 Santa Ana, CA 92705	(714) 647-2593 (714) 543-8962 fax	Katy Ramezani
<b>Curriculum and Instructional Support Services</b>	1735 E. Wilshire Ave. Suite 806 Santa Ana, CA 92705	(714) 558-3380 (714) 558-8245 fax	Rick Martin

### **Summary of Gaps in Education Services to Expelled Students and Strategies for Filling Those Gaps**

Previously identified gaps have been examined and considerable improvement has been made through a collaborative process between the 27 Orange County School Districts and the Orange County Department of Education. The 27 School Districts in Orange County and the Orange County Department of Education have committed themselves to an ongoing process to resolve the remaining identified gaps.

#### **Service Gap 1: Expelled Students in Grades K-5**

Students in grades K-5 who are expelled do not have as many educational options available as do expelled youth in grades 6-12. In some instances, it has been difficult to place elementary school students who are expelled, especially at the K-4 level. The number of community day schools at the elementary school grade level is very limited.

#### **Progress from 2015**

A common practice for students expelled in grades K-5 is for the school district to suspend the expulsion order and refer the student to another school within the district. School districts also may collaborate with each other

to facilitate enrollment of an expelled elementary school student into a school in a different school district, when appropriate. School districts continue to have available the option of referring expelled students to Skyview Elementary and Middle School, an Orange County Department of Education ACCESS program serving grades K-8. Skyview is a community elementary/middle school program designed to meet the needs of at-risk children and offers community support programs for both the students and their families.

The low number of elementary students in grades K-5 who need alternative placements due to expulsions continue to make it unfeasible to sustain multiple school sites throughout the county.

#### **Ongoing Strategies for Addressing This Gap**

Students in grades K-5 who are expelled, may be served through the following school district or Orange County Department of Education options:

- Transfers within the home district which may include district community day school.
- Skyview Elementary and Middle School, located in the city of Orange, is operated by the OCDE ACCESS program and serves students in grades K-8. The location of the school site in proximity to the district of residence may pose a challenge to student attendance.
- Students in grade 5, on a case by case basis, may be referred to other ACCESS school sites depending upon class composition at the time of referral.

The Orange County Department of Education continues to review the ongoing need for an elementary level regionalized community school program to serve elementary-aged students who may be expelled from their school district. Over the past five years, the number of expulsions for Orange County students in grades K-6, as reported to DataQuest, are as follows:

<b>Year</b>	<b>K-3</b>	<b>4-6</b>
2012-13	0	16
2013-14	1	21
2014-15	0	7
2015-16	0	7
2016-17	0	10

Orange County school districts continue to support one another and offer alternative placement options whenever possible, taking students who were expelled for non-mandatory expellable offenses especially in larger districts with community day school options or special classrooms on their sites. School districts are also expanding interventions through a Multi-Tiered System of Support framework with evidence based programs such as Positive Behavior Intervention and Supports, Restorative Practice, and Mindfulness Practice and Social and Emotional Learning resulting in reduction of expulsions at the elementary grade level.

#### **Service Gap 2: Limited Special Education Placements in ACCESS**

The Orange County Department of Education is committed to expanded program options for students with exceptional needs that have been expelled from school district programs. As identified through communications with SELPA and District-Special Education Directors, programs for emotionally disturbed and dual diagnosis (Emotionally Disturbed and Developmentally Delayed) students have been developed in some school districts as well as the OCDE Special Schools program. In addition, ACCESS continues to evaluate its Special Education services to provide a continuum of placement options. When a student's unique needs cannot be accommodated through existing OCDE program alternatives, the district of residence will continue to facilitate placement to meet the unique needs of individual students through district and non-public agency/school placements.

#### **Progress from 2015**

The ACCESS program restructured its special education division to include a Director of Special Education as well as several Special Education Administrative Liaisons to facilitate participation in district IEP team meetings when a referral for an expelled student is made. In addition, ACCESS has continued to increase its special



education staff including a focus to address the increased mental health issues for students with special needs. ACCESS is able to provide more intensive counseling services provided by licensed mental health professionals who have been trained in Trauma Informed Care and Restorative Practice. Group therapy programs have also been developed to address issues that impact a student's social functioning with in the classroom and community, such as social skills, anger management and various coping skill strategies.

All ACCESS Special Education and Safe Schools clinicians have been provided training in Trauma Focused Therapy. OCDE has also expanded it professional development for special education staff, for example specific training has been provided in the Remedial Reading program, both on line and in hard copy form. The on-going challenge continues to be the difficulty in establishing a regionalized program that can be operated and maintained based on an unpredictable number of student referrals. OCDE Special Schools currently has a dual diagnosis classroom at the Harbor Learning Center site. OCDE had also attempted a SDC program for emotional disturbed students in the past but was not successful due to too few students being enrolled to maintain the program.

### **Ongoing Strategies for Addressing This Gap**

Orange County School Districts have continued to expand efforts to provide services to students within their attendance area reducing the need for placements in ACCESS. The Orange County School Districts and OCDE will provide ongoing monitoring of the need for additional Special Education services for expelled students. The ACCESS program is prepared to respond to increased demands as conditions warrant in the future.

#### *Programs for Emotionally Disturbed Students:*

- Continued expansion of programs for emotionally disturbed students is contingent upon location of school sites that can accommodate such programs and sufficient enrollment to maintain such programs. Additional training in various behavior management programs for both general education and special education teachers can support the increased needs of students being enrolled with social/emotional and behavioral needs.

#### *Programs to Expand Continued Services for Special Education Students:*

- Expanding program options for special education students continue to be evaluated through OCDE, Orange County SELPA Directors and Orange County School Districts.

## **Service Gap 3: Rehabilitation Failures**

Students sometimes do not meet the provisions of the expulsion rehabilitation plan and fall behind in their academic studies. In these cases, they are at high risk of not completing their necessary credits and are at a higher risk of dropping out of school.

### **Progress from 2015**

Based on a recent survey of Orange County School Districts, concerns about students failing to satisfy school district rehabilitation plans during the expulsion period were expressed in combination with general concerns with student transition as they reenter the district. Over the past three years, OCDE has continued discussions with the Orange County School Districts to identify systematic approaches to facilitate the regular transfer of the rehabilitation plan upon referral of an expelled student, as well as identify community resources available to support students in meeting their district rehabilitation plan requirements. There continues to be a need to identify the availability of intervention services for students to meet the specific requirements of their rehabilitation plans especially when involving mental health services.

A challenge continues to be communication between the districts and ACCESS in ensuring that the district's rehabilitation plan is completed by the student. Regional Administrative Units help to promote communication between the districts and the county community schools, and ACCESS principals and assistant principals attend county Student Services meetings to facilitate ongoing communication. In addition, the ACCESS Student Attendance Review Board (SARB) process has been coordinated more efficiently and ACCESS utilizes one of its staff members in truancy court to make sure students attend school and are connected to community

resources. In hopes to close this service gap further, Orange County School Districts and ACCESS have implemented the use of a supplemental referral form when students are referred to an ACCESS program. This form includes specific information about a student's needs as well as progress and follow ups needed on ones' rehabilitation plan. When returning to the district, ACCESS staff will use the Student Transition form to communicate information on student's completion of the rehabilitation plan.

#### **Ongoing Strategies for Addressing this Gap**

Districts will be asked to provide ACCESS a copy of the rehabilitation plan when referring an expelled student. ACCESS staff will review the rehabilitation plan with the student and, as appropriate, the student's parents, and will assist the student in completing his/her plan requirements. School staff will continue to monitor student achievement toward rehabilitation plan requirements. For students struggling to meet rehabilitation plan requirements, the student consultation team process could be considered to provide additional support. Continued communication and collaboration with school district personnel will continue to be a priority. Enhanced communication promotes student success and early intervention when students are not meeting the terms of the rehabilitation plan. In addition, communication is vital between the districts and ACCESS regarding the status of students who are returning to the district.

OCDE will continue to explore with districts how to utilize and expand existing collaborations to ensure student success with completion of the rehabilitation plan. This includes the use of community non-profits and private programs to assist in carrying out individual student rehabilitation plans.

### **Service Gap 4: Mental Health Services**

Orange County School Districts are seeing an increased need for mental health services and a shortage of affordable and accessible options for students.

#### **Progress from 2015**

Districts have been able to exercise greater control of their funding to support mental health services under the Local Control Funding Formula and other legislative changes such as Assembly Bill 114, which repealed AB 3632 and allocated funding directly to the school districts. New hire includes additional school counselors, school social workers and licensed Marriage and Family Therapists. Furthermore, many districts have added administrative positions overseeing mental health services and needs of students. Through the adoption of Local Control Accountability Plans, districts have identified long term goals related to hiring additional school counselors, school social workers, nurses and other support personnel to address pupil engagement, school climate and parent involvement, which allows for enhancement of district resources to address mental health issues.

#### **Ongoing Strategies for Addressing this Gap**

The Orange County Department of Education will continue to work to promote school and community partnerships and professional development to address the mental health needs of students. The development of Local Control Accountability Plans gives greater attention to the mental health needs of students and the county office will assist districts as they strive to find ways to address the social emotional needs of their students and support the "whole child." This is one of OCDE's strategic initiatives articulated in its 2014 -2019 Strategic Plan. OCDE is also heading the California SUMS (Scale Up Multi-Tiered System of Support) initiative, providing technical assistance to many Orange County School Districts in the areas of Academic, Behavioral, and Social and Emotional support. OCDE continues to share-out local resources through network meetings and list serves. The ACCESS program will continue to work with districts to identify and assist expelled students who have mental health issues. The Orange County SELPAs, school districts and OCDE continue to assess any gaps resulting from changes in the funding structures to ensure the availability of appropriate mental health services for both general education and special education students expelled from school.

### **Service Gap 5: College Course Preparation Access for County Community Students**

Within the ACCESS program there is option for students to utilize GradPoint, an online course option with “a-g” approved satisfying the subject requirements for admission into the University of California and California State University systems. This addition has resolved the difficulty for some students returning to their district of residence following their expulsion period in regard to completing the required courses prior to graduation.

#### **Ongoing Strategies for Addressing this Gap**

ACCESS has implemented an online program that provides “a-g” approved courses as well as credit recovery options and electives, including career technical education. This program began in January 2015 and expanded the options available to expelled students seeking to satisfy the “a-g” requirements or other college-preparatory courses. ACCESS continues to provide professional development to teachers to effectively utilize the new on-line program. In addition, Pacific Coast High School offers a full range of college-preparatory courses satisfying the “a-g” requirements.

### **COUNTYWIDE BEHAVIOR INTERVENTIONS AND BEST PRACTICES TO PREVENT SUSPENSIONS AND EXPULSIONS**

Orange County schools seek to minimize the number of expulsions by establishing prevention and early intervention practices. School districts pursue a variety of strategies in an effort to educate students and establish a safe and caring climate to prevent student misconduct. When warranted, disciplinary measures are implemented consistent with district policies and procedures to ensure fair and consistent disciplinary measures. These efforts will continue to prevent any disproportionate representation of minority students recommended for expulsion.

Expulsions occur when student and campus safety is threatened or when other means of correction have not been successful. Districts engage in a number of preventative and proactive strategies including but not limited to the following:

- Adult Mentoring of Students
- After School Programs
- After-school programs that address specific behavioral issues or expose pupils to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups.
- Alternate Suspension Classrooms (ATS)
- Annual Notice of Parent Rights and Responsibilities
- Anti-bullying Programs
- Any of the alternatives described in Section 48900.6 related to community service.
- Athletic Drug Testing
- Automated Telephone Notifications
- Behavior Skills Group
- Brief Intervention Counseling (Substance Abuse Counseling)
- Character Counts
- Check-in, check-out
- Come Walk In My Shoes (abilities awareness)
- Community Partnerships
- Conferences between school personnel, the pupil’s parent or guardian, and the pupil.
- Conflict Mediators/Conflict Resolution Services
- Crisis Response Network (CRN)

- Enrollment in programs for teaching prosocial behavior or anger management.
- Every 15 Minute Program
- Friday Night Live
- Gang Resistance Intervention Partnership (GRIP)
- Grad Night Activities
- Homework Clubs
- In-school Suspensions
- Juvenile Alcohol and Drug Education (JADE), PRYDE Program, Outreach Concern, Straight Talk, Western Youth Services and Other Community Counseling Partnerships
- Kindness Assemblies
- Link Crew
- Mindfulness practice
- Multi-Tiered System of Support Framework
- Online Classes and Credit Recovery Opportunities
- Parent Meetings and Information Nights
- Peace Week (Anti-bullying week)
- Peer Assistance League (PAL)
- Peer Court
- Police Cadet Programs
- Positive Behavior Intervention and Supports
- Random Acts of Kindness
- Red Ribbon Week
- Referrals for comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program, or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)).
- Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling.
- Restorative Practices
- Safety Task Force
- Saturday School
- School Attendance Review Board (SARB)
- School Attendance Review Team (SART)
- School Signs and Notices
- Social Emotional Learning Curriculum
- Student Behavior Contracts
- Student Clubs and Organizations
- Student Safety Plans
- Study teams, guidance teams, resource panel teams, or other intervention-related teams that assess the behavior, and develop and implement individualized plans to address the behavior in partnership with the pupil and his or her parents.
- Text-A-Tip
- TUPE/DATE activities
- Tutoring
- Universal Design for Learning
- Violence Prevention Curricula
- Violence Prevention Education Services
- WEB (Where Everybody Belongs)

# **PLAN FOR PROVIDING EDUCATIONAL SERVICES TO ALL EXPELLED STUDENTS IN THE ANAHEIM UNION HIGH SCHOOL DISTRICT**

## **General Provisions**

As required by Education Code 48926, the Orange County Superintendent of Schools has developed an expulsion plan in conjunction with the Superintendents of the school districts in Orange County. The plan provides for educational services to all expelled students in the county for school years 2018-19, 2019-20 and 2020-21. A student whose behavior has resulted in an expulsion is provided a rehabilitation plan which ensures placement in an educational program and establishes the criteria for return to the Anaheim Union High School District. All educational alternatives provided by Orange County school districts are not available to all expelled students. The type of offense, location of offense, grade level and nature of the student's individualized needs; all have the potential to affect the educational alternatives available to the student during the period of expulsion. Students expelled for any of the offenses listed in subdivision (a) or (c) of Section 48915 of the California Education Code shall not be permitted to enroll in any district-operated program during the period of expulsion unless it is a community day school (E.C. 48915.2).

As indicated in the Orange County Expulsion plan, the options available to Anaheim Union High School District after an expulsion decision include, but are not limited to the following:

1. Expulsion, suspended order, with placement on the same school campus [E.C. 48917 (a)].
2. Expulsion, suspended order, with placement on a different school campus within the district [E.C.48917 (a)].
3. Expulsion with referral to a district alternative suspension/expulsion classroom, if available (E.C. 48660).
4. Expulsion with subsequent transfer to another district.
5. Expulsion with referral to the Orange County Department of Education, Alternative, Community and Correctional Education Schools and Services (ACCESS) (E.C. 1981).

Actual referral to a district alternative suspension/expulsion classroom or county community school is made by the Anaheim Union High School District governing board with recommendations from the district administrative hearing panel, School Attendance Review Board (SARB), or by another established district referral process as required by statute.

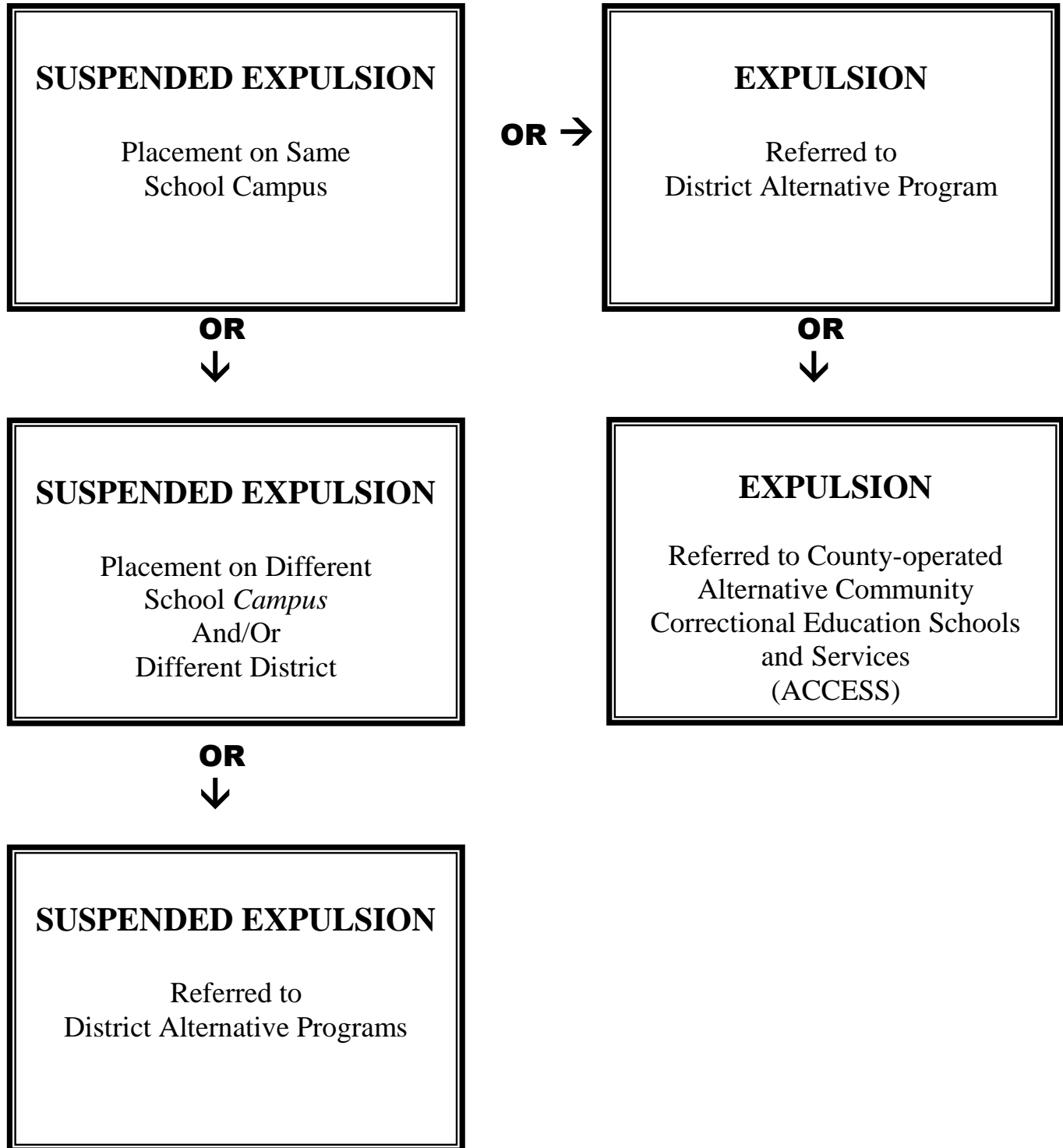
District activities relating to the prevention of expulsions are outlined in the following chart:

## Anaheim Union High School District Prevention Activities

<b>Title of Activity</b>	<b>Description of Activity</b>	<b>Grade Level</b>
School-wide Behavior Expectations Assemblies/Classroom Visits	Explanation of school rules and policies to students	7-12
MTSS (Multi-Tiered Systems of Support)	MTSS is an integrated, comprehensive framework that focuses differentiated learning, student-centered learning, individualized student needs, and the alignment of systems necessary for all students' academic, behavioral, and social success	7-12
Educational Monitoring Team (EMT)	Academic/Behavior/Emotional Support Team that works with the student/families/parents to provide support & interventions to address the needs of the student.	7-12
Mental Health Implementation and Improvement Leadership Team (MHILLT)	Leadership Team focused on identifying the needs, developing programs and services for student behavior problems/mental illness/crisis response and threat assessments.	7-12
Advisement	Daily Mentoring Program focused on school culture and climate and providing additional supports for students. (Knowing your students by name and need)	7-12
Project Alert	Universal classroom program (Drug Education & Resistance Skill Building)	7-8
Stanford Tobacco Prevention Tool Kit	Classroom Program Tobacco and Vaping Addiction Prevention Curriculum	9
Positive Behavioral Support (PBIS)	Districtwide behavior management program	7-12
Parent Notification and Rights	Start of the year communication regarding policies	7-12
Parent Workshops	Parent nights and classes focused on parenting skills, awareness of mental illness, civic engagement, parent enrolment in school and transition into college and career.	K-6
Restorative Practices	Restorative approach to resolving conflict and preventing harm	7-12
Capturing Kids Hearts	Training for members of a school's educational community and to teach effective skills that help participants: Develop self-managing classrooms and decrease discipline issues through innovative techniques such as a social contract.	7-12
Saturday Academy	Providing added curricular activities to allow for re-engagement into school. Provides positive classes that reinforce expected behaviors and give students a change to recover loss hours of instruction. Reduces that sense of "hopelessness" for students	7-12
OC Ropes Course	Leadership/Teamwork Camp	7-12

Mental Health/Suicide Prevention Units in Health Curriculum	Student Units imbedded within the Health Curriculum that raises awareness on mental health and where to find help. Teaches self-advocacy and problem solving and coping skills.	7 & 9 <sup>th</sup>
Project Path	Community Service Program (CSP) Project Path: Psycho-Educational Classroom Presentations to staff/ students and parents on drug use and the impact on kids	7-12
School Social Workers, LCSW	Offer individual and group counseling, parent workshops, training for staff, crisis response, and connect families to community resources	7-12
Weekly Cessation Program offered by the Anaheim Regional Medical Center	Cessation services for students caught with tobacco/vape/paraphernalia/alcohol/drugs	7-12
Alternative to Suspension-Pathways Program	Intervention program for students who are beginning to use or experiment with alcohol and other drugs	7-12
MPOWRD	Youth led leadership group focused on addictive behaviors (support group of kids) including persistent behavior problems, as well as drug/alcohol abuse.	7-12
Support Groups	Small group counseling lead by the Licensed Clinical School Social Workers. <ol style="list-style-type: none"> <li>1. Healthy Relationships Group</li> <li>2. Girls Group (Self-Esteem/Bullying)</li> <li>3. Boys Group (Self-Esteem Bullying)</li> <li>4. Anger Management Group</li> </ol>	7-12
Mindfulness	Mind Kind Training to address toxic stress that leads to behavior problems. Teaches students coping skills, reflective thinking, and social-emotional well-being.	7-12
LGBTQI Awareness/Gay-Straight Alliance	School club that focuses on the needs and providing a safe space for these students. The OC Center also provides training/prof. dev. For staff on site to support these students.	7-12
Typical or Troubled	Presentation and awareness for teachers on what is normal adolescent behavior versus abnormal behavior and steps teachers take to addressing these behaviors in the classroom before they escalate.	7-12
Presentations on Mental Health vs. Mental Illness	Teacher/Staff/Parent presentations	7-12

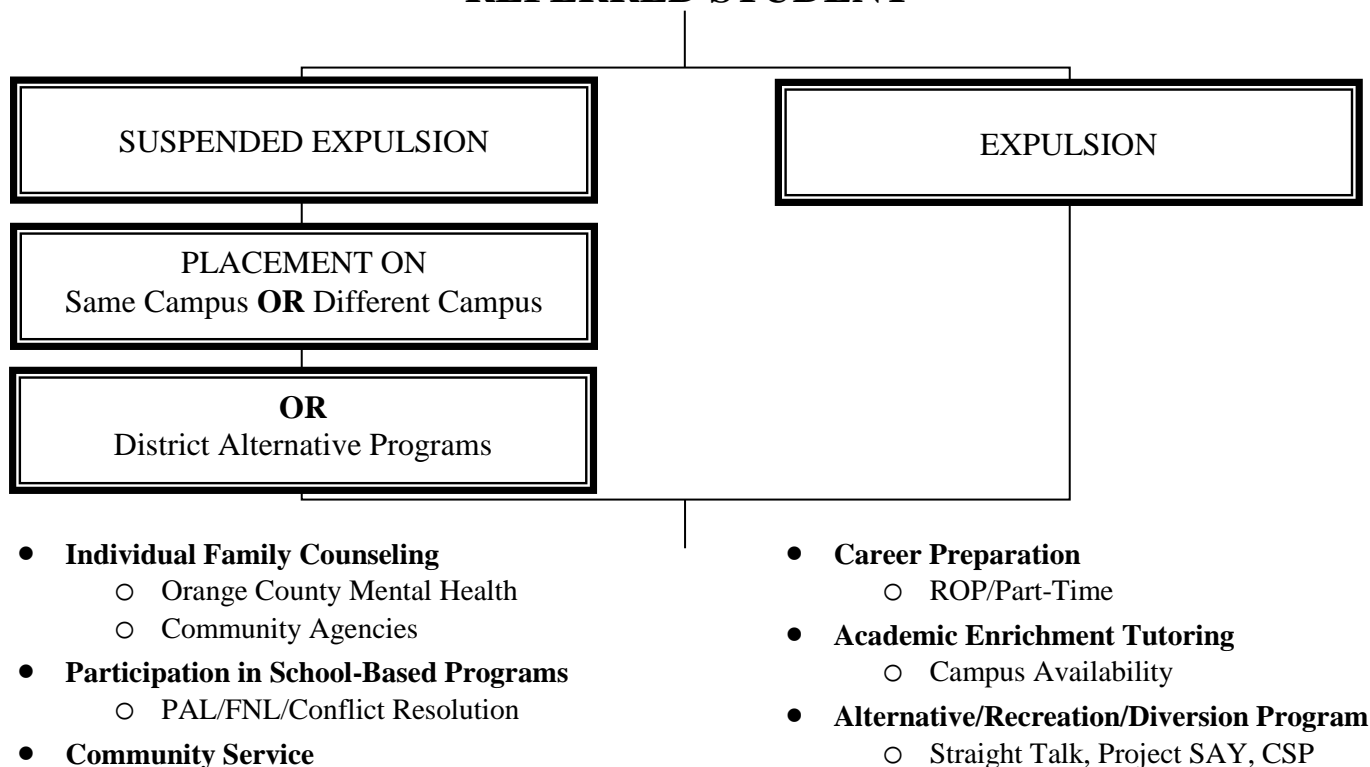
**ANAHEIM UNION HIGH SCHOOL DISTRICT  
EDUCATION PROGRAM  
OPTIONS**



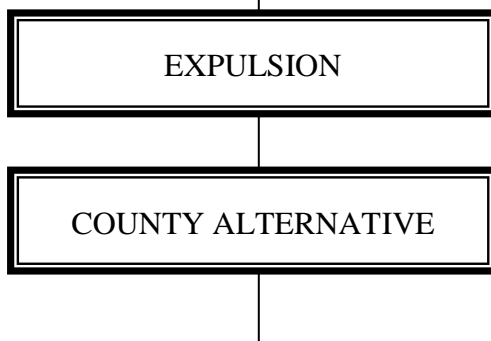


## POSSIBLE REHABILITATION PLAN

### REFERRED STUDENT



### REFERRED STUDENT



- **Individual/Family Counseling**
  - Orange County Mental Health
  - Wester Youth Services
- **Alternative/Recreation/Diversion Program**
  - AYSO/CSP/Boys' & Girls' Club
- **Community Service Hours**
  - City Referrals/Graffiti Abatement/Community Centers- Partnership with Challenged Students
- **Career Preparation**
  - ROP/Part-Time
- **Conflict Resolution**
- **Academic Enrichment Tutoring**
  - Campus Availability

West's Annotated California Codes

Education Code (Refs & Annos)

Title 2. Elementary and Secondary Education (Refs & Annos)

Division 4. Instruction and Services (Refs & Annos)

Part 27. Pupils (Refs & Annos)

Chapter 6. Pupil Rights and Responsibilities (Refs & Annos)

Article 1. Suspension or Expulsion (Refs & Annos)

West's Ann.Cal.Educ.Code § **48926**

§ **48926**. County plans for provision of educational services to expelled pupils

Currentness

Each county superintendent of schools in counties that operate community schools pursuant to [Section 1980](#), in conjunction with superintendents of the school districts within the county, shall develop a plan for providing education services to all expelled pupils in that county. The plan shall be adopted by the governing board of each school district within the county and by the county board of education.

The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those service gaps. The plan shall also identify alternative placements for pupils who are expelled and placed in district community day school programs, but who fail to meet the terms and conditions of their rehabilitation plan or who pose a danger to other district pupils, as determined by the governing board.

Each county superintendent of schools, in conjunction with the superintendents of the school districts, shall submit to the Superintendent of Public Instruction the county plan for providing educational services to all expelled pupils in the county no later than June 30, 1997, and shall submit a triennial update to the plan to the Superintendent of Public Instruction, including the outcome data pursuant to [Section 48916.1](#), on June 30th thereafter.

**Credits**

(Added by [Stats.1995, c. 974 \(A.B.922\)](#), § 8, operative July 1, 1996.)

West's Ann. Cal. Educ. Code § **48926**, CA EDUC § **48926**

Current with all 2017 Reg.Sess. laws.

West's Annotated California Codes

Education Code (Refs & Annos)

Title 2. Elementary and Secondary Education (Refs & Annos)

Division 4. Instruction and Services (Refs & Annos)

Part 27. Pupils (Refs & Annos)

Chapter 6. Pupil Rights and Responsibilities (Refs & Annos)

Article 1. Suspension or Expulsion (Refs & Annos)

**West's Ann.Cal.Educ.Code § 48916.1**

**§ 48916.1. Educational program requirements for expelled students**

Effective: January 1, 2006

Currentness

(a) At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion. Except for pupils expelled pursuant to subdivision (d) of Section 48915, the governing board of a school district is required to implement the provisions of this section only to the extent funds are appropriated for this purpose in the annual Budget Act or other legislation, or both.

(b) Notwithstanding any other provision of law, any educational program provided pursuant to subdivision (a) may be operated by the school district, the county superintendent of schools, or a consortium of districts or in joint agreement with the county superintendent of schools.

(c) Any educational program provided pursuant to subdivision (b) may not be situated within or on the grounds of the school from which the pupil was expelled.

(d) If the pupil who is subject to the expulsion order was expelled from any of kindergarten or grades 1 to 6, inclusive, the educational program provided pursuant to subdivision (b) may not be combined or merged with educational programs offered to pupils in any of grades 7 to 12, inclusive. The district or county program is the only program required to be provided to expelled pupils as determined by the governing board of the school district. This subdivision, as it relates to the separation of pupils by grade levels, does not apply to community day schools offering instruction in any of kindergarten and grades 1 to 8, inclusive, and established in accordance with Section 48660.

(e)(1) Each school district shall maintain the following data:

(A) The number of pupils recommended for expulsion.

(B) The grounds for each recommended expulsion.

(C) Whether the pupil was subsequently expelled.

(D) Whether the expulsion order was suspended.

(E) The type of referral made after the expulsion.

(F) The disposition of the pupil after the end of the period of expulsion.

(2) The Superintendent may require a school district to report this data as part of the coordinated compliance review. If a school district does not report outcome data as required by this subdivision, the Superintendent may not apportion any further money to the school district pursuant to Section 48664 until the school district is in compliance with this subdivision. Before withholding the apportionment of funds to a school district pursuant to this subdivision, the Superintendent shall give written notice to the governing board of the school district that the school district has failed to report the data required by paragraph (1) and that the school district has 30 calendar days from the date of the written notice of noncompliance to report the requested data and thereby avoid the withholding of the apportionment of funds.

(f) If the county superintendent of schools is unable for any reason to serve the expelled pupils of a school district within the county, the governing board of that school district may enter into an agreement with a county superintendent of schools in another county to provide education services for the district's expelled pupils.

#### **Credits**

(Added by Stats.1995, c. 974 (A.B.922), § 6, operative July 1, 1996. Amended by Stats.1996, c. 937 (A.B.2834), § 5, eff. Sept. 26, 1996; Stats.1999, c. 646 (A.B.1600), § 26; Stats.2005, c. 69 (A.B.110), § 3.)

West's Ann. Cal. Educ. Code § 48916.1, CA EDUC § 48916.1

Current with all 2017 Reg.Sess. laws.

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West's Annotated California Codes

Education Code (Refs & Annos)

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Division 4. Instruction and Services (Refs & Annos)

Part 27. Pupils (Refs & Annos)

Chapter 6. Pupil Rights and Responsibilities (Refs & Annos)

Article 1. Suspension or Expulsion (Refs & Annos)

**West's Ann.Cal.Educ.Code § 48916.5**

**§ 48916.5. Expulsion relating to controlled substances or alcohol; enrollment in drug rehabilitation program**

**Currentness**

The governing board may require a pupil who is expelled from school for reasons relating to controlled substances, as defined in Sections 11054 to 11058, inclusive, of the Health and Safety Code, or alcohol, prior to returning to school to enroll in a county-supported drug rehabilitation program. No pupil shall be required to enroll in a rehabilitation program pursuant to this section without the consent of his or her parent or guardian.

**Credits**

(Added by Stats.1988, c. 50, § 1.)

West's Ann. Cal. Educ. Code § 48916.5, CA EDUC § 48916.5

Current with all 2017 Reg.Sess. laws.

West's Annotated California Codes

Education Code (Refs & Annos)

Title 2. Elementary and Secondary Education (Refs & Annos)

Division 4. Instruction and Services (Refs & Annos)

Part 27. Pupils (Refs & Annos)

Chapter 6. Pupil Rights and Responsibilities (Refs & Annos)

Article 1. Suspension or Expulsion (Refs & Annos)

West's Ann.Cal.Educ.Code § 48917

§ 48917. Suspension of order to expel; rehabilitation program; expungement of records; filing of appeal

Currentness

(a) The governing board, upon voting to expel a pupil, may suspend the enforcement of the expulsion order for a period of not more than one calendar year and may, as a condition of the suspension of enforcement, assign the pupil to a school, class, or program that is deemed appropriate for the rehabilitation of the pupil. The rehabilitation program to which the pupil is assigned may provide for the involvement of the pupil's parent or guardian in his or her child's education in ways that are specified in the rehabilitation program. A parent or guardian's refusal to participate in the rehabilitation program shall not be considered in the governing board's determination as to whether the pupil has satisfactorily completed the rehabilitation program.

(b) The governing board shall apply the criteria for suspending the enforcement of the expulsion order equally to all pupils, including individuals with exceptional needs as defined in Section 56026.

(c) During the period of the suspension of the expulsion order, the pupil is deemed to be on probationary status.

(d) The governing board may revoke the suspension of an expulsion order under this section if the pupil commits any of the acts enumerated in Section 48900 or violates any of the district's rules and regulations governing pupil conduct. When the governing board revokes the suspension of an expulsion order, a pupil may be expelled under the terms of the original expulsion order.

(e) Upon satisfactory completion of the rehabilitation assignment of a pupil, the governing board shall reinstate the pupil in a school of the district and may also order the expungement of any or all records of the expulsion proceedings.

(f) A decision of the governing board to suspend an expulsion order does not affect the time period and requirements for the filing of an appeal of the expulsion order with the county board of education required under Section 48919. Any appeal shall be filed within 30 days of the original vote of the governing board.

**Credits**

(Added by Stats.1983, c. 498, § 91, eff. July 28, 1983. Amended by Stats.1990, c. 1234 (A.B.3880), § 4; Stats.1995, c. 95 (A.B.620), § 1.)

Notes of Decisions (1)

West's Ann. Cal. Educ. Code § 48917, CA EDUC § 48917

Current with all 2017 Reg.Sess. laws.

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KeyCite Yellow Flag - Negative Treatment

Unconstitutional or Preempted Prior Version Preempted by Rim of the World Unified School Dist. v. Superior Court, Cal.App. 4 Dist., Dec. 31, 2002

KeyCite Yellow Flag - Negative Treatment Proposed Legislation

West's Annotated California Codes

Education Code (Refs & Annos)

Title 2. Elementary and Secondary Education (Refs & Annos)

Division 4. Instruction and Services (Refs & Annos)

Part 27. Pupils (Refs & Annos)

Chapter 6. Pupil Rights and Responsibilities (Refs & Annos)

Article 1. Suspension or Expulsion (Refs & Annos)

West's Ann.Cal.Educ.Code § 48918

§ 48918. Rules governing expulsion procedures; hearings;  
notice; decision in absence of request for postponement

Effective: January 1, 2015

Currentness

The governing board of each school district shall establish rules and regulations governing procedures for the expulsion of pupils. These procedures shall include, but are not necessarily limited to, all of the following:

(a)(1) The pupil shall be entitled to a hearing to determine whether the pupil should be expelled. An expulsion hearing shall be held within 30 schooldays after the date the principal or the superintendent of schools determines that the pupil has committed any of the acts enumerated in Section 48900, unless the pupil requests, in writing, that the hearing be postponed. The adopted rules and regulations shall specify that the pupil is entitled to at least one postponement of an expulsion hearing, for a period of not more than 30 calendar days. Any additional postponement may be granted at the discretion of the governing board of the school district.

(2) Within 10 schooldays after the conclusion of the hearing, the governing board of the school district shall decide whether to expel the pupil, unless the pupil requests in writing that the decision be postponed. If the hearing is held by a hearing officer or an administrative panel, or if the governing board of the school district does not meet on a weekly basis, the governing board of the school district shall decide whether to expel the pupil within 40 schooldays after the date of the pupil's removal from his or her school of attendance for the incident for which the recommendation for expulsion is made by the principal or the superintendent of schools, unless the pupil requests in writing that the decision be postponed.

(3) If compliance by the governing board of the school district with the time requirements for the conducting of an expulsion hearing under this subdivision is impracticable during the regular school year, the superintendent of schools or the superintendent's designee may, for good cause, extend the time period for the holding of the expulsion hearing for an additional five schooldays. If compliance by the governing board of the school district with the time requirements for the conducting of an expulsion hearing under this subdivision is impractical due to a summer recess of governing board meetings of more than two weeks, the days during the recess period shall not be counted as schooldays in meeting the time requirements. The days not counted as schooldays in meeting the time requirements for an expulsion hearing because of a summer recess of governing board meetings shall not exceed 20 schooldays, as defined in subdivision (c) of Section 48925, and unless the pupil requests in writing that the expulsion hearing be postponed, the hearing shall



be held not later than 20 calendar days before the first day of school for the school year. Reasons for the extension of the time for the hearing shall be included as a part of the record at the time the expulsion hearing is conducted. Upon the commencement of the hearing, all matters shall be pursued and conducted with reasonable diligence and shall be concluded without any unnecessary delay.

(b) Written notice of the hearing shall be forwarded to the pupil at least 10 calendar days before the date of the hearing. The notice shall include all of the following:

(1) The date and place of the hearing.

(2) A statement of the specific facts and charges upon which the proposed expulsion is based.

(3) A copy of the disciplinary rules of the school district that relate to the alleged violation.

(4) A notice of the parent, guardian, or pupil's obligation pursuant to subdivision (b) of Section 48915.1.

(5) Notice of the opportunity for the pupil or the pupil's parent or guardian to appear in person or to be represented by legal counsel or by a nonattorney adviser, to inspect and obtain copies of all documents to be used at the hearing, to confront and question all witnesses who testify at the hearing, to question all other evidence presented, and to present oral and documentary evidence on the pupil's behalf, including witnesses. In a hearing in which a pupil is alleged to have committed or attempted to commit a sexual assault as specified in subdivision (n) of Section 48900 or to have committed a sexual battery as defined in subdivision (n) of Section 48900, a complaining witness shall be given five days' notice before being called to testify, and shall be entitled to have up to two adult support persons, including, but not limited to, a parent, guardian, or legal counsel, present during his or her testimony. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential. This subdivision shall not preclude the person presiding over an expulsion hearing from removing a support person whom the presiding person finds is disrupting the hearing. If one or both of the support persons is also a witness, the provisions of Section 868.5 of the Penal Code shall be followed for the hearing. This section does not require a pupil or the pupil's parent or guardian to be represented by legal counsel or by a nonattorney adviser at the hearing.

(A) For purposes of this section, "legal counsel" 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.

(B) For purposes of this section, "nonattorney adviser" means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case, and has been selected by the pupil or pupil's parent or guardian to provide assistance at the hearing.

(c)(1) Notwithstanding Section 35145, the governing board of the school district shall conduct a hearing to consider the expulsion of a pupil in a session closed to the public, unless the pupil requests, in writing, at least five days before the date of the hearing, that the hearing be conducted at a public meeting. Regardless of whether the expulsion hearing is conducted in a closed or public session, the governing board of the school district may meet in closed session for the purpose of deliberating and determining whether the pupil should be expelled.

(2) If the governing board of the school district or the hearing officer or administrative panel appointed under subdivision (d) to conduct the hearing admits any other person to a closed deliberation session, the parent or guardian of the pupil, the pupil, and the counsel of the pupil also shall be allowed to attend the closed deliberations.

(3) If the hearing is to be conducted at a public meeting, and there is a charge of committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or to commit a sexual battery as defined in subdivision (n) of Section 48900, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.

(d) Instead of conducting an expulsion hearing itself, the governing board of the school district may contract with the county hearing officer, or with the Office of Administrative Hearings pursuant to Chapter 14 (commencing with Section 27720) of Part 3 of Division 2 of Title 3 of the Government Code and Section 35207 of this code, for a hearing officer to conduct the hearing. The governing board of the school district may also appoint an impartial administrative panel of three or more certificated persons, none of whom is a member of the governing board of the school district or employed on the staff of the school in which the pupil is enrolled. The hearing shall be conducted in accordance with all of the procedures established under this section.

(e) Within three schooldays after the hearing, the hearing officer or administrative panel shall determine whether to recommend the expulsion of the pupil to the governing board of the school district. If the hearing officer or administrative panel decides not to recommend expulsion, the expulsion proceedings shall be terminated and the pupil immediately shall be reinstated and permitted to return to the classroom instructional program from which the expulsion referral was made, unless the parent, guardian, or responsible adult of the pupil requests another school placement in writing. Before the placement decision is made by the parent, guardian, or responsible adult, the superintendent of schools or the superintendent's designee shall consult with school district personnel, including the pupil's teachers, and the parent, guardian, or responsible adult regarding any other school placement options for the pupil in addition to the option to return to his or her classroom instructional program from which the expulsion referral was made. If the hearing officer or administrative panel finds that the pupil committed any of the acts specified in subdivision (c) of Section 48915, but does not recommend expulsion, the pupil shall be immediately reinstated and may be referred to his or her prior school or another comprehensive school, or, pursuant to the procedures set forth in Section 48432.5, a continuation school of the school district. The decision not to recommend expulsion shall be final.

(f)(1) If the hearing officer or administrative panel recommends expulsion, findings of fact in support of the recommendation shall be prepared and submitted to the governing board of the school district. All findings of fact and recommendations shall be based solely on the evidence adduced at the hearing. If the governing board of the school district accepts the recommendation calling for expulsion, acceptance shall be based either upon a review of the findings of fact and recommendations submitted by the hearing officer or panel or upon the results of any supplementary hearing conducted pursuant to this section that the governing board of the school district may order.

(2) The decision of the governing board of the school district to expel a pupil shall be based upon substantial evidence relevant to the charges adduced at the expulsion hearing or hearings. Except as provided in this section, no evidence to expel shall be based solely upon hearsay evidence. The governing board of the school district or the hearing officer or administrative panel may, upon a finding that good cause exists, determine that the disclosure of either the identity of a witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of

psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations that shall be examined only by the governing board of the school district or the hearing officer or administrative panel. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the pupil.

(g) A record of the hearing shall be made. The record may be maintained by any means, including electronic recording, so long as a reasonably accurate and complete written transcription of the proceedings can be made.

(h)(1) Technical rules of evidence shall not apply to the hearing, but relevant evidence may be admitted and given probative effect only if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. A decision of the governing board of the school district to expel shall be supported by substantial evidence showing that the pupil committed any of the acts enumerated in Section 48900.

(2) In hearings that include an allegation of committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or to commit a sexual battery as defined in subdivision (n) of Section 48900, evidence of specific instances, of a complaining witness' prior sexual conduct is to be presumed inadmissible and shall not be heard absent a determination by the person conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before the person conducting the hearing makes the determination on whether extraordinary circumstances exist requiring that specific instances of a complaining witness' prior sexual conduct be heard, the complaining witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

(i)(1) Before the hearing has commenced, the governing board of the school district may issue subpoenas at the request of either the superintendent of schools or the superintendent's designee or the pupil, for the personal appearance of percipient witnesses at the hearing. After the hearing has commenced, the governing board of the school district or the hearing officer or administrative panel may, upon request of either the county superintendent of schools or the superintendent's designee or the pupil, issue subpoenas. All subpoenas shall be issued in accordance with Sections 1985, 1985.1, and 1985.2 of the Code of Civil Procedure. Enforcement of subpoenas shall be done in accordance with Section 11455.20 of the Government Code.

(2) Any objection raised by the superintendent of schools or the superintendent's designee or the pupil to the issuance of subpoenas may be considered by the governing board of the school district in closed session, or in open session, if so requested by the pupil before the meeting. Any decision by the governing board of the school district in response to an objection to the issuance of subpoenas shall be final and binding.

(3) If the governing board of the school district, hearing officer, or administrative panel determines, in accordance with subdivision (f), that a percipient witness would be subject to an 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 provided for in subdivision (f).

(4) Service of process shall be extended to all parts of the state and shall be served in accordance with Section 1987 of the Code of Civil Procedure. All witnesses appearing pursuant to subpoena, other than the parties or officers or employees

of the state or any political subdivision of the state, shall receive fees, and all witnesses appearing pursuant to subpoena, except the parties, shall receive mileage in the same amount and under the same circumstances as prescribed for witnesses in civil actions in a superior court. Fees and mileage shall be paid by the party at whose request the witness is subpoenaed.

(j) Whether an expulsion hearing is conducted by the governing board of the school district or before a hearing officer or administrative panel, final action to expel a pupil shall be taken only by the governing board of the school district in a public session. Written notice of any decision to expel or to suspend the enforcement of an expulsion order during a period of probation shall be sent by the superintendent of schools or his or her designee to the pupil or the pupil's parent or guardian and shall be accompanied by all of the following:

(1) Notice of the right to appeal the expulsion to the county board of education.

(2) Notice of the education alternative placement to be provided to the pupil during the time of expulsion.

(3) Notice of the obligation of the parent, guardian, or pupil under subdivision (b) of Section 48915.1, upon the pupil's enrollment in a new school district, to inform that school district of the pupil's expulsion.

(k)(1) The governing board of the school district shall maintain a record of each expulsion, including the cause for the expulsion. Records of expulsions shall be nonprivileged, disclosable public records.

(2) The expulsion order and the causes for the expulsion shall be recorded in the pupil's mandatory interim record and shall be forwarded to any school in which the pupil subsequently enrolls upon receipt of a request from the admitting school for the pupil's school records.

#### Credits

(Added by Stats.1983, c. 498, § 91, eff. July 28, 1983. Amended by Stats.1984, c. 482, § 13.5, eff. July 17, 1984; Stats.1984, c. 622, § 1; Stats.1988, c. 641, § 1; Stats.1990, c. 1231 (A.B.3794), § 2; Stats.1994, c. 146 (A.B.3601), § 32; Stats.1995, c. 937 (A.B.618), § 1; Stats.1995, c. 972, (S.B.966), § 13; Stats.1995, c. 974 (A.B.922), § 7.5, operative July 1, 1996; Stats.1996, c. 915 (A.B.692), § 5; Stats.1998, c. 489 (S.B.1427), § 1; Stats.1999, c. 332 (A.B.588), § 1; Stats.2003, c. 552 (A.B.300), § 23; Stats.2014, c. 837 (S.B.1111), § 5, eff. Jan. 1, 2015.)

#### Editors' Notes

#### VALIDITY

*For validity of this section, see Rim of the World Unified School Dist. v. Superior Court ( App. 4 Dist. 2002 ) 129 Cal. Rptr.2d 11, 104 Cal.App.4th 1393, modified on denial of rehearing, review denied.*

#### Notes of Decisions (29)

West's Ann. Cal. Educ. Code § 48918, CA EDUC § 48918  
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