



**MENDOCINO COUNTY OFFICE OF EDUCATION**  
 WARREN GALLETTI, SUPERINTENDENT OF SCHOOLS  
 2240 Old River Road • Ukiah, CA 95482-6156 • 707 467-5001 • Fax 707 462-0379

INTEGRITY • CUSTOMER SERVICE • ACCOUNTABILITY • TEAMWORK • INNOVATION • PASSION

### EXPULSION HEARING COMPLIANCE CHECKLIST

#### PRE-APPEAL HEARING CRITERIA

- \_\_\_\_\_ The pupil was afforded a hearing at the district level to determine whether he/she should have been expelled. The hearing was conducted within thirty (30) school days after the principal or superintendent determined that expulsion was appropriate or, if the pupil requested an extension in writing, the hearing was conducted within the appropriate timeframe. [EC 48919(a)]
- \_\_\_\_\_ Written notice of the hearing was forwarded to the pupil at least ten (10) calendar days prior to the date of the hearing. [EC 48918(a)]
- \_\_\_\_\_ The hearing notice contained the following information:
- \_\_\_\_\_ a) the date and place of the hearing
  - \_\_\_\_\_ b) a statement of the specific facts and charges upon which the proposed expulsion was based
  - \_\_\_\_\_ c) a copy of the disciplinary rules of the district related to the alleged violation
  - \_\_\_\_\_ d) a notice of the requirements of EC 48915.1
  - \_\_\_\_\_ e) a notice of the parent's/pupil's right to appear in person or be represented by counsel
  - \_\_\_\_\_ f) a notice of the right to inspect all documents to be used at the hearing, question witnesses who testify, question evidence presented at the hearing, and present oral and document
- \_\_\_\_\_ The hearing was conducted in closed session unless the pupil submitted a request in writing at least five (5) calendar days in advance, that the matter be heard in open session. [EC 48918(c)]
- \_\_\_\_\_ The recommendation for expulsion was based upon acts of the pupil enumerated in EC 48900 and/or EC 48915 and involved acts related to a school activity or attendance. [EC 48915 and 48918(h)]
- \_\_\_\_\_ If the pupil has been identified as an individual with exceptional needs, the expulsion hearing took place only after the following occurred: (see BE 5144.03g)
- \_\_\_\_\_ a) a pre-expulsion assessment was conducted
  - \_\_\_\_\_ b) an IEP team met and determined that the misconduct was not caused by, nor was it a direct manifestation of, the pupil's identified disability and that the pupil had been appropriately placed
  - \_\_\_\_\_ c) all due process hearing and appeals, if initiated pursuant to Section 1415 of Title 20 of the United State Code were completed. [EC 58915.5(h)]

**EXPULSION HEARING COMPLIANCE CHECKLIST** (continued)

- \_\_\_\_\_ The decision of the district board was made with ten (10) school days after the conclusion of the hearing, 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 district board does not meet on a weekly basis, the district board shall decide whether to expel the pupil within forty (40) school days 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 superintendent, unless the pupil requests in writing that the decision be postponed. [EC 48918(a)]
  
- \_\_\_\_\_ The decision of the district board to expel a pupil was based upon substantial evidence relevant to the charges and adduced at the expulsion hearing and that, except as permitted by law, no evidence to expel was based solely upon hearsay evidence. [EC 48918(f)]
  
- \_\_\_\_\_ The pupil/parent/representative was given the opportunity to question witnesses, challenge testimony and evidence against the pupil, and to provide testimony and evidence on the pupil's behalf at the hearing. [EC 48918(j)]
  
- \_\_\_\_\_ A record of the hearing was made and maintained by the district. [EC 48918(k)]
  
- \_\_\_\_\_ Final action to expel was taken in open board session. [EC 48918(j)]
  
- \_\_\_\_\_ The expulsion order was accompanied by a plan of rehabilitation. [EC 48916(b)]
  
- \_\_\_\_\_ A notice of expulsion was sent to the parent/pupil and contained information related to the right to appeal the decision to the county board of education. [EC 48918(j)]
  
- \_\_\_\_\_ The notice of expulsion contained information regarding an education alternative placement to be provided to the pupil during the time of the expulsion. [EC 48918(j)]
  
- \_\_\_\_\_ An appeal of the expulsion was filed by the pupil/parent within thirty (30) school days following the original decision of the district board, regardless of whether a period of probation and/or suspension was ordered. [EC 48919]
  
- \_\_\_\_\_ At the time of filing an appeal to the county board of education, the parent/pupil simultaneously submitted a request to the district for a transcript of the proceedings and any related documentation and that such was provided by the district within five (5) school days of the request. [EC 48919]
  
- \_\_\_\_\_ The district board provided the county board with a copy of the original expulsion hearing transcript and other related documents. [EC 48919]

**EXPULSION HEARING COMPLIANCE CHECKLIST (continued)**

**POST-APPEAL HEARING CRITERIA**

- \_\_\_\_\_ Based upon the record of the proceedings and a review of the evidence, the district board acted within its jurisdiction. [EC 48922(a)(1)]
- \_\_\_\_\_ Based upon the record of the proceedings and a review of the evidence, the district board or administrative designee of the board conducted a fair and impartial hearing. [EC 48922(a)(2)]
- \_\_\_\_\_ Based upon the record of the proceedings and a review of the evidence, there was no prejudicial abuse of discretion in the original hearing. [EC 48922(a)(3)]
- \_\_\_\_\_ Based upon the record of the proceedings and a review of the evidence, the district was reasonably diligent in providing all material evidence and than no evidence was improperly excluded at the original hearing. [EC 48922(a)(4)]
- \_\_\_\_\_ Based upon the record of the proceedings and a review of the evidence, the decision to expel was supported by the findings prescribed in EC 48915. [EC 48922(c)(2)]
- \_\_\_\_\_ Based upon the record of the proceedings and a review of the evidence, the findings were supported in evidence. [EC 48922(c)(3)]

**MENDOCINO COUNTY BOARD OF EDUCATION**

Adopted: December 14, 2009