

**SCHOOL DISTRICT EXPULSION APPEALS**

The County Board of Education recognizes that student discipline is primarily the prerogative of the local school district. The County Board also recognizes, however, that the rights to due process and the rights to a fair and just hearing are supported through the appeal process.

Expulsion is the most severe form of discipline which a local school district may invoke. The County Board is vested with the responsibility of serving as the final administrative appeal body in such cases. The hearing of expulsion appeals is intended to safeguard the rights of the student(s).

The Board has the authority to hear appeals of a student expulsion requested by the pupil or parent/guardian. The Board shall hear all appeals regarding the expulsion of a pupil in closed session, unless the pupil or parent/guardian requests otherwise.

The County Board's charge is to determine if the student's due process rights were violated in a manner which resulted in the student receiving an unfair hearing. It is NOT the charge of the County Board to agree or disagree with the local board's decision to expel, but to assure that legal procedures were followed and that a fair hearing was conducted.

The County Board shall establish administrative regulations for expulsion appeals from school districts that include, but are not limited to, the following:

1. Filing a notice of appeal.
2. Setting a hearing date.
3. Furnishing a notice to the student and the local school district regarding the appeal.
4. Furnishing a copy of the expulsion hearing record to the County Board.
5. Conduct of the hearing.
6. Preserving a record of the appeal. (Education Code 48919)

*Legal Reference: (see next page)*

**SCHOOL DISTRICT EXPULSION APPEALS (continued)**

*Legal Reference:*

EDUCATION CODE

*48919 Appeal of expulsion*

*48920 Closed/public session for appeal expulsion*

*48921 Determination of appeal: evidence, transcription*

*48922 Questions for review of decision*

*48923 Limitations of county decision*

**MENDOCINO COUNTY BOARD OF EDUCATION**

Policy adopted: September 16, 1991

Revised: December 14, 2009