Students



# MENDOCINO COUNTY OFFICE OF EDUCATION

WARREN GALLETTI, SUPERINTENDENT OF SCHOOLS

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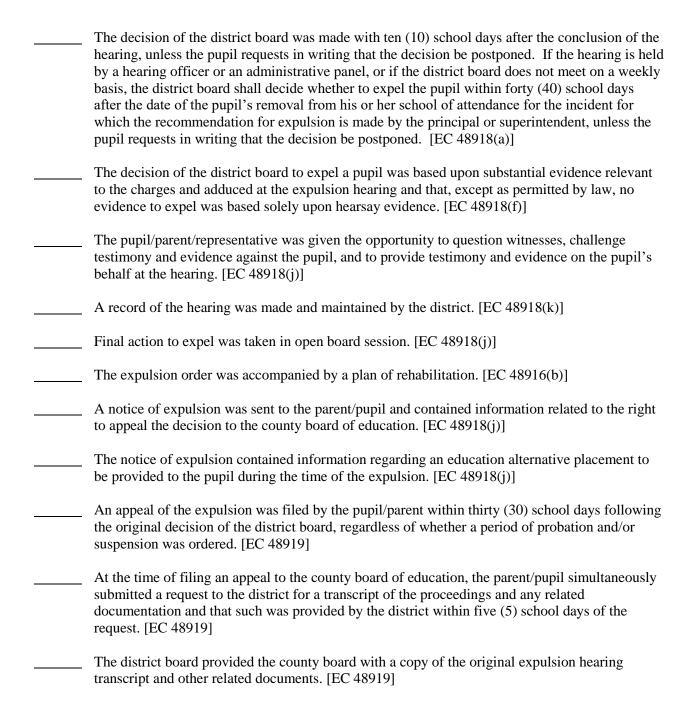
### EXPULSION HEARING COMPLIANCE CHECKLIST

#### 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:
<ul> <li>a) the date and place of the hearing</li> <li>b) a statement of the specific facts and charges upon which the proposed expulsion was based</li> <li>c) a copy of the disciplinary rules of the district related to the alleged violation</li> </ul>
<ul> <li>d) a notice of the requirements of EC 48915.1</li> <li>e) a notice of the parent's/pupil's right to appear in person or be represented by counsel</li> <li>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</li> </ul>
 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)
<ul> <li>a) a pre-expulsion assessment was conducted</li> <li>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</li> </ul>
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)]

Students BE 5144.03g

### **EXPULSION HEARING COMPLIANCE CHECKLIST** (continued)



Students BE 5144.03g

# 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