



MENDOCINO COUNTY OFFICE OF EDUCATION  
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INTEGRITY • CUSTOMER SERVICE • ACCOUNTABILITY • TEAMWORK • INNOVATION • PASSION

### EXPULSION CHECKLIST FOR SPECIAL EDUCATION STUDENT

In a matter involving a pupil with previously identified exceptional needs who is currently enrolled in a special education program, the district board may order the pupil expelled pursuant to Education Code Section 48915(b) or (d) only if all of the following conditions are met:

- \_\_\_\_\_ 1. The completion of a pre-expulsion assessment, which shall include a review of the appropriateness of the pupil's placement at the time of the alleged misconduct, and a determination of the relationship, if an, between a pupil's behavior and his/her disability.
  - \_\_\_\_\_ a. The parent shall make the pupil available for the assessment at a site designated by the local educational agency (LEA) without delay.
  - \_\_\_\_\_ b. The parent's right to an independent assessment under EC 56329 applies despite the fact that the pupil has been referred for expulsion.
  - \_\_\_\_\_ c. Parental consent is not required prior to conducting a pre-expulsion educational assessment pursuant to subdivision (e), or as a condition of the final decision of the district board to expel.
  
- \_\_\_\_\_ 2. An individual education program (IEP) team meeting is scheduled and held.
  - \_\_\_\_\_ a. The parent has the right to participate in the IEP meeting preceding the commencement of expulsion proceedings, following the completion of a pre-expulsion assessment, through actual participation, representation, or a telephone conference call.
  - \_\_\_\_\_ b. The meeting shall be held at a time and place mutually convenient to the parent and the LEA within the period, if any, of the pupil's pre-expulsion suspension.
  - \_\_\_\_\_ c. A telephone conference call may be substituted for the meeting.
  - \_\_\_\_\_ d. Each parent shall be notified of his/her right to participate in the meeting at least forty-eight (48) hours prior to the meeting. Unless a parent has requested a postponement, the meeting may be conducted without the parent's participation if the notice required has been provided.
  - \_\_\_\_\_ e. The notice shall specify that the meeting may be held without the parent's participation unless the parent requests a postponement for up to three (3) additional school days.
  - \_\_\_\_\_ f. Each parent may request that the meeting be postponed for up to three (3) additional school days.
  - \_\_\_\_\_ g. If a postponement has been granted, the LEA may extend any suspension of a pupil for the period of postponement if the pupil continues to pose an immediate threat to the safety of himself/herself or others, and the LEA notifies the parent that the suspension will be continued during the postponement. However, the suspension shall not be extended beyond ten (10) consecutive school days unless agreed upon by the parent, or by court order.

**EXPULSION CHECKLIST FOR SPECIAL EDUCATION STUDENT (continued)**

\_\_\_ h. If a parent who has received proper notice of the meeting refuses to consent to an extension beyond ten (10) consecutive school days and chooses not to participate, the meeting may be conducted without the parent’s participation

\_\_\_ 3. The IEP team shall  
\_\_\_ a. review the pre-expulsion educational assessment.  
\_\_\_ b. review and consider the pupil’s health records and school discipline records.  
\_\_\_ c. determine whether the misconduct was or was not caused by, was or was not a direct manifestation of, the pupil’s identified disability.  
\_\_\_ d. determine whether the pupil had been or had not been appropriately placed at the time the misconduct occurred.

\_\_\_ 4. IEP Team Determination  
If the IEP team determines that the alleged misconduct was not caused by, or a direct manifestation of, the pupil’s disability, and if it is determined that the pupil was appropriately placed, the pupil shall be subject to the applicable disciplinary actions and procedures.

\_\_\_ 5. Due Process Hearing  
The parent has the right to a due process hearing if the parent disagrees with the decision of the IEP team or if the parent disagrees with the decision to rely upon the information obtained, or proposed to be obtained.

\_\_\_ 6. Expulsion Hearing  
\_\_\_ a. No expulsion hearing shall be conducted for an individual with exceptional needs until all the following have occurred:  
\_\_\_ 1) a pre-expulsion assessment is conducted  
\_\_\_ 2) the IEP team met and determined that  
\_\_\_ a) the pupil’s misconduct was not caused by, or was not a direct manifestation of the pupil’s identified disability  
\_\_\_ b) the pupil had been appropriately placed at the time the misconduct occurred  
\_\_\_ 3) due process hearing and appeals, if initiated, are completed

\_\_\_ 7. Transportation  
If an individual with exceptional needs is excluded from school bus transportation, the pupil is entitled to be provided with an alternative form of transportation at no cost to the pupil or parent.

**MENDOCINO COUNTY BOARD OF EDUCATION**

Adopted: December 14, 2009