



SAN JOAQUIN COUNTY OFFICE OF EDUCATION
Troy A. Brown, Ed.D., County Superintendent of Schools

SAN JOAQUIN COUNTY BOARD OF EDUCATION

EXPULSION APPEAL HANDBOOK

TO ASSIST EXPELLED PUPILS
AND THEIR PARENTS OR GUARDIANS
TO UNDERSTAND THE APPEAL PROCESS
AND THE RIGHTS OF THE PUPIL

Updated March 2024

Expulsion Appeal Handbook

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EXPULSION APPEAL HANDBOOK

INTRODUCTION

The San Joaquin County Board of Education (County Board) has prepared this handbook to assist districts and expelled pupils and the parents or guardians (the appellants) of expelled pupils to understand the appeal process and their respective rights. The handbook constitutes the official procedures adopted by the County Board for conducting expulsion appeals.

The County Board is committed to an objective review of and deliberation upon appeals of pupils expelled from local school districts.

This information must be reviewed in conjunction with the laws on pupil discipline and expulsion appeals within the California Education Code sections 48900 – 48927 and within San Joaquin County Office of Education SP 5144.3. The school district’s policies and administrative procedures for suspension and expulsion should also be reviewed. The appellants and districts have the right to consult with, and engage the services of, an advocate or an attorney at their own expense.

WHAT IS THE PURPOSE OF AN APPEAL?

The County Board has a limited authority under law to review the procedures followed by the school district prior to expelling a pupil to determine: whether the Education Code was complied with; whether due process was afforded; and whether there is evidence to support the local governing board’s findings and decision supporting the expulsion.

- The issues that the County Board may consider are described more fully in this handbook under “SCOPE AND LIMITATIONS OF HEARING”.
- The meeting at which the County Board considers the appeal is not a new hearing (de novo) to consider evidence about whether the pupil should have been expelled. The County Board will hear evidence only in unusual circumstances. The purpose of the appeal hearing is to listen to arguments as to whether the local school district procedures and the law were properly followed.
- The County Board does not have any authority to agree or disagree with the local school district governing board’s decision to expel or to modify the expulsion on the basis that the penalty was too harsh for the misconduct.
- The County Board’s review of the appeal for the legal errors it has authority to review may result in: (1) upholding the expulsion decision; (2) reversing the decision and returning the pupil to attend in the local district, as well as possibly expunging the record of the expulsion; or (3) in rare cases, returning the case to the local school district either to consider additional evidence or to revise the factual findings.

- A decision to overturn the expulsion and return the pupil to the local school district does not order attendance at the former school or at any particular school. The local school district has authority to determine attendance within district programs.
- The County Board’s decision will address only expulsion issues. It will not review or order any change in the pupil’s suspension pending expulsion.

WHEN MAY AN APPEAL BE FILED WITH THE SAN JOAQUIN COUNTY BOARD OF EDUCATION?

The appellant of the expelled pupil may file an appeal with the County Board within thirty (30) calendar days following the decision by the school district’s governing board to expel the pupil.

- “Appellant” also includes guardian or legal counsel on behalf of the pupil. The pupil may also file an appeal independently of their parents.
- The thirty (30) day period starts on the first day after the date the school district’s governing board takes action even if notice of the decision is not mailed to the parent immediately. The appeal must be actually received within the thirty (30) days, not just mailed. If the deadline is on a Saturday, Sunday, or County Office holiday, the appeal may be filed on the next business day.
- Only the governing board of a school district may expel a pupil. The principal of the pupil’s school, or the superintendent of the school district, may only recommend the expulsion to the governing board. A hearing officer or an administrative panel may conduct the expulsion hearing, develop findings of fact, and make a recommendation to the governing board. However, there is no expulsion until the school district governing board takes formal action to expel.
- An expulsion or a suspended expulsion (where the pupil is returned to school with conditions of probation) may be appealed. The thirty (30) day timeline applies from the initial suspended expulsion decision, not at a later date if the pupil is expelled for violating probation.
- The County Board does not have the authority to hear an appeal for a “stipulated” expulsion.

WHAT IF THE APPEAL IS LATE?

The County Board has no jurisdiction to consider a late appeal. Any appeal filed after the deadline will be returned, accompanied by a cover letter indicating that the appeal was not processed.

SUBMITTING THE EXPULSION APPEAL PAPERWORK

The expulsion appeal, or any questions regarding the appeal process may be submitted by phone, in person, by pdf/email, facsimile, or by mail to:

San Joaquin County Office of Education
Assistant Superintendent, County Operated Schools and Programs
P.O. Box 213030
Stockton, CA 95213
Phone: (209) 468-4800
Fax: (209) 468-9051
Email: nhopple@sjcoe.net

San Joaquin County Office of Education staff will answer questions and clarify the procedures outlined in this handbook. The staff will also contact the administration of the local school district that implemented the expulsion in order to coordinate the processing of the appeal.

Note: Contacting the San Joaquin County Office of Education with questions or a request to file an appeal does not constitute the filing of an appeal, and has no impact on the deadline for filing an appeal.

WHAT MUST BE INCLUDED IN THE EXPULSION APPEAL?

The written notice of appeal must contain all of the following information:

- Name, address, and date of birth of the expelled pupil.
- Names, addresses, and telephone numbers of the parent(s) or guardian(s) of the pupil and the person or attorney, if any, representing the pupil.
- School district, school, and grade from which the pupil was expelled.
- The date of the school district governing board's decision to expel and the effective dates of the expulsion.
- A copy of the appellant's written request to the expelling school district to prepare a transcript of the district expulsion hearing.
- A brief statement, or set of statements, which explain why, in your opinion, the decision of the school district governing board should be reversed. The statement(s) must relate to one or more of the conditions described in this handbook under "SCOPE AND LIMITATIONS OF THE HEARING". It is the appellant's responsibility to explain as clearly as possible and to provide specific information about why they believe the school district governing board's decision should be reversed.
- Attach a copy of the notice of expulsion sent by the local school district.
- Identifying new evidence: appellants must clearly indicate whether they plan to offer new evidence which was not raised at the time the original expulsion hearing

was held and describe such evidence. See “SCOPE AND LIMITATIONS OF THE HEARING” for a discussion of new evidence.

Parents are encouraged to use the “EXPULSION APPEAL AND REQUEST FOR HEARING” form (*Addendum B*) in this handbook in lieu of writing a letter.

WHO IS RESPONSIBLE FOR FILING THE TRANSCRIPT AND SUPPORTING RECORDS OF THE ORIGINAL EXPULSION HEARING?

A. Appellant Responsibility:

- At the same time the appellant files the appeal with the County Board, the appellant must submit to the expelling school district a written request for a copy of the written transcript of the expulsion hearing and all supporting documents or records. A “*REQUEST FOR TRANSCRIPT AND SUPPORTING DOCUMENTS*” (*Addendum B*) is provided at the back of this handbook. The appellant shall file a copy of this request for transcript with the San Joaquin County Board of Education at the time of filing the appeal.
- The appellant must pay the local school district for the cost of preparing the transcript and copies of supporting documents or records, except in one of these situations:
 1. Where the appellant certifies to the school district that they cannot reasonably afford the cost of preparing the transcript because of limited income, exceptional necessary expenses, or both. A “*CERTIFICATION OF INABILITY TO AFFORD COST OF TRANSCRIPT*” (*Addendum C*) is provided at the back of this handbook.
 2. In a case where the County Board reverses the decision of the school district governing board, the County Board shall require that the school district governing board reimburse an appellant who has paid for the cost of preparing the transcript and supporting documents or records.

B. Local School District Responsibility:

The local school district is responsible for preparing an accurate written transcription of the expulsion hearing and copies of all hearing exhibits and correspondence regarding the suspension and expulsion, including documentation that reflects the findings of fact, the recommendation of the panel conducting the hearing, and the governing board’s action on the recommendation.

- The school district shall prepare two (2) copies of the transcript, supporting documents, and records within ten (10) school days following receipt of the appellant’s written request. The school district shall deliver or mail one copy of these documents directly to the county superintendent’s designee, with a

second copy delivered or mailed to the appellant as directed on the transcript request form.

- Special Education or 504 Records – if the expelled pupil has an IEP or 504 Plan, or is afforded the rights of a special education pupil prior to expulsion, the school district must identify substantiation in the hearing record (or provide additional documentation) that the legally required procedures were completed prior to commencing the expulsion hearing. A copy of the “manifestation” IEP or 504 Plan may suffice for this requirement.

SETTING A DATE FOR THE HEARING APPEAL

The County Board shall hold a hearing within twenty (20) school days of the filing of the appeal unless there is a request for postponement.

Either the appellant or the local school district may request a postponement by submitting a written request, including the reason, to the San Joaquin County Office of Education at least five (5) calendar days prior to the hearing.

Both the appellant and the school district will be sent notice of the hearing date by mail or email at least ten (10) calendar days before the hearing. The notice will specify the date, time, and place of the hearing. The County Board holds regular meetings on the third Wednesday of each month at the Nelson Administration Center Board Room, 2922 Transworld Drive, Stockton, CA 95206. Expulsion appeals are normally scheduled to commence between 12:00 and 1:00 p.m. during regularly scheduled County Board meetings.

The hearing will be held in closed session unless the appellant has requested an open session in writing either by an indication in the space provided on the “*EXPULSION APPEAL AND REQUEST FOR HEARING*” (*Addendum B*) or by a separate written request filed with the San Joaquin County Office of Education at least five (5) calendar days prior to the hearing date.

FAILURE TO APPEAR AT THE HEARING

Participation at the appeal hearing is required. If a parent or representative of a student fails to appear after filing an expulsion appeal, the County Board may dismiss the appeal without considering its merits.

FILING WRITTEN ARGUMENTS PRIOR TO THE APPEAL HEARING

The school district may submit a written response to the appeal, or a reply brief, with the County Board. The district’s argument must be filed at least ten (10) calendar days prior to the hearing date. The district shall also provide the appellant with a copy of the reply arguments by personal service, email, or by mail at the same time upon which the district’s reply argument or brief is filed with the San Joaquin County Office of Education.

The appellant may file a written argument or an appeal brief with the County Board. Any written argument must be filed at least ten (10) calendar days prior to the date set for the hearing before the County Board. The appellant's response is usually filed after receiving the transcripts and documents. The appellant must send or deliver a copy of the argument to the school district at the same time.

USE OF THE APPEAL HEARING PACKET

Approximately four (4) calendar days prior to the hearing, both the appellant and the district will receive from the San Joaquin County Office of Education, a packet that will include all of the information that has been submitted during the appeal process. Use of the packet is very important in preparing for the appeal hearing.

- The packet will typically contain: (Tab 1) appellant appeal documents; (Tab 2) discipline review board packet; (Tab 3) findings of facts; (Tab 4) expulsion hearing transcript; (Tab 5) district correspondence to appellant, and (Tab 6) appellant and district responses.
- All pages in the packet are numbered consecutively. Both parties are encouraged to refer to the page numbers in this packet during their presentation. Referring to these page numbers will assist the County Board members in following the presentation.

SCOPE AND LIMITATIONS OF THE APPEAL HEARING

The County Board decides an appeal after: (1) reviewing the expulsion record, including the transcript and documents considered at the original expulsion hearing; (2) considering the issues raised by the appellant in the appeal as well as issues apparent from the record itself and the school district's arguments; and (3) determining which issues it has authority under law to address. Please keep in mind that the County Board's charge is to determine if the pupil's due process rights were violated in a manner which resulted in the pupil receiving an unfair hearing. It is not the charge of the County Board to agree or disagree with the school district governing board's decision to expel the pupil, but to ensure that due process procedures were followed and that a fair hearing was conducted.

Legal issues that may be considered:

The County Board's review of the case shall be limited to the following four questions. While these questions are phrased in legal terminology [Code of Civil Procedure sections 1094.5(b) and (c)] and Education Code section 48922], there are many factual issues that fall within these questions.

- 1. Whether the school district governing board acted within or in excess of its jurisdiction?***

The California Education Code spells out the reasons for which a pupil may be expelled, the timelines that must be met during expulsion proceedings, and that the misconduct must be related to school activities or attendance. If any of the laws on these subjects were not strictly complied with by the local school district, the final action to expel by the district governing board may have been in “excess of its jurisdiction.”

For example:

- Was the offense for which the pupil was expelled one of the “grounds” for expulsion authorized by state law or local board rule? A pupil may not be expelled unless the offense is a violation of the California Education Code or school rules adopted under Education Code section 35291.5.
- If the expulsion was based on a local board rule, was the rule a reasonable and valid one and not inconsistent with state law?
- Did the situation involve conduct related to a school activity or to school attendance?
- Was the expulsion hearing commenced and a final decision issued within the time limits prescribed by law?

Special Education – if the pupil has an IEP or 504 Plan, the County Board will also consider the following:

- Was there a pre-expulsion “manifestation” meeting of the IEP or 504 team prior to the expulsion hearing? And was it determined that the misconduct was not a manifestation of the student’s disability? [Education Code section 48915.5(a)], [CFR 300.530 (e)] and [U.S.C. Title 20 section 1415 (k)].

2. *Whether there was a “fair hearing” before the governing board?*

The word “fair” is a legal term. It does not mean fair in the everyday sense of “fair play” or “fair treatment.” The County Board does not have authority to overturn an expulsion because another pupil received a suspension while the appellant was expelled arising from the same incident.

The school district is required to provide a parent timely notice of a hearing; allow the parent to hear and examine all evidence submitted; and provide the parent a reasonable opportunity to present evidence to deny, explain, or mitigate the allegations (Education Code section 48918). Although only the governing board may take action to expel, the board may appoint an administrative panel or hearing officer to hear the case; develop “findings of fact”; and make a recommended decision to the governing board. Thus,

an administrative panel or hearing officer may conduct the required fair hearing on behalf of the governing board. A subsequent hearing before the governing board is not required if the expulsion hearing is conducted by an administrative panel or a hearing officer.

For example:

- Was the pupil denied the right to be represented by an advocate or by legal counsel?
- Was the pupil prohibited from introducing testimony of witnesses on the pupil's behalf?
- Was the evidence submitted in support of the expulsion the kind of evidence upon which reasonable persons are accustomed to rely on in serious affairs?
- Was there a failure to introduce any evidence to support the decision to expel?
- Was the pupil or the pupil's representative, if any, given an opportunity to confront and question any witnesses who testified at the hearing except as provided in Education Code section 48918(f)(2)?
- Was the parent adequately advised of their rights to fully participate in the hearing?

3. *Whether there was a “prejudicial abuse of discretion” in the hearing or in the processing of the expulsion?*

An abuse of discretion (although not necessarily a prejudicial abuse) may be established under any of the following circumstances:

- a. If the school district governing board did not proceed with the expulsion in the manner required by law.

For example:

- Hearing panel member is from the same school as pupil (Education Code section 48918(d));
- Parent received notice of hearing less than ten (10) days in advance (Education Code section 48918(b));

- Governing board issues expulsion decision with no date set to consider readmission of the pupil (Education Code section 48916(a)).
- b. If the decision to expel is not supported by the findings prescribed by Education Code section 48915; or the findings do not spell out the facts (where, when, what) sufficiently to verify that the pupil engaged in misconduct. The finding must be based upon evidence provided during the expulsion hearing, not information provided to the panel members or Board members at another time.

For example:

- John J. brought a knife to school on 9/12/22. John took the knife out of his backpack and showed it to two pupils during third period class.
 - (Wrong) John J. violated Education Code section 48900(b) by bringing a dangerous weapon to school.
- c. If “additional” findings are not documented. The law establishes five types of misconduct for which expulsion is “mandatory” including, firearms, brandishing a knife, selling drugs, sexual assault, and possession of explosives (Education Code section 48915(c)). For all other types of misconduct, the governing board must also find either of the following facts:

- (1) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.

For Example:

- The pupil has previously been warned and/or suspended for similar behavior. Parent contact, conferences and/or counseling may also suffice for “other means of correction”.

OR

- Due to the nature of the violation (misconduct), the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.

The California Attorney General has advised that making this finding involves: (1) a generalized determination based upon the type of misconduct involved (*e.g.*, drinking alcohol on campus); and (2) a connection to the potential future impact on the safety of the pupil or on other pupils (97 Op. Att’y Gen. No. 903).

- d. If the “findings of fact” made following the hearing are not supported by the evidence.

Misconduct must be proven by reliable “first-hand” evidence offered during the expulsion hearing. Such evidence may consist of testimony by a witness who observed the misconduct; an admission of the pupil involved; or in certain cases, by statements made and/or written down at the time the misconduct occurred and determined to be reliable. All other statements made outside the hearing are considered “hearsay” evidence. Misconduct may not be proven solely by hearsay evidence, although hearsay may be offered to support reliable evidence.

For Example:

- The finding that a pupil started a fight was not proven where the only evidence offered at the hearing was by the vice-principal who testified that he talked to another who said, “James started the fight.” Neither James nor the other pupil testified during the hearing.
- A written witness report from a yard duty aide was insufficient to prove that a pupil smoked marijuana where no other evidence was offered at hearing.

The County Board has the option to return the case to the local school district if it determines that the “findings of fact” are inadequate, but that evidence does exist in the record to support proper findings. Upon remand, the local school board would be required to revise the findings of fact consistent with the direction of the County Board. The second decision could be appealable again, but the likelihood of the decision being overturned by the County Board would be smaller. As an example, the County Board might return a case where the school board issued the (wrong) finding listed above and direct the school board to correct the finding. The rationale is that the error by the school board is a technical one and the evidence supports an expulsion if the technical error is corrected.

- e. Abuse of discretion must be “prejudicial.”

The County Board must find that an abuse of discretion was “prejudicial” to the outcome of the expulsion decision in order to overturn a decision. If an error occurred or a statutory requirement was only partially complied with, the violation must have a substantial impact on the process or decision to be “prejudicial.”

For example:

- The parent received the notice of hearing two (2) days late, but had plenty of time to prepare for the hearing. The parent attended the hearing and made no showing that the late notice affected her participation. Abuse of discretion was not prejudicial.
- The notice of hearing was sent to the wrong address. The parent was never notified of the hearing and did not attend. The hearing was held anyway and the pupil expelled for misconduct. The parent objected as soon as she learned that the hearing had been held. The abuse was prejudicial to the right to participate in the hearing.

4. *Whether there is relevant and material evidence which, in the exercise of reasonable diligence, could not have been produced, or which was improperly excluded at the hearing before the governing board or the administrative panel.*

- a. A request to offer new evidence must be noted in the appeal documents when filing the notice of appeal. If the parent proposes an offer of new evidence, the County Board will allow an explanation of what the new evidence is and what issue it relates to (called an “offer of proof”), or will review the document(s) in question. The County Board will vote to allow new evidence to be offered only if a majority of the members find that the evidence qualifies as:
- Relevant and material evidence which, in the exercise of reasonable diligence, could not have been produced at the school district expulsion hearing; or
 - Relevant and material evidence which was improperly excluded at the school district expulsion hearing; and further, that
 - Evidence, that if received, would be a significant factor in determining the outcome of an issue in the case over which the County Board has jurisdiction to decide (Education Code section 48922).
- b. County Board members may vote to allow new “sworn evidence” or documents limited to the issue raised. If the taking of new evidence at the same meeting would be prejudicial to the school district (*e.g.*, because a rebuttal witness is not present at the hearing), the County Board may recess the hearing to a future date to receive evidence relevant to the issue raised. If the County Board votes to hear new evidence, it may either:

- Remand (send) the matter to the school district governing board for reconsideration, along with such instructions the County Board may deem necessary. The County Board may order reconsideration of the entire matter or any part thereof. The County Board may order the pupil reinstated pending such reconsideration; or
 - Grant a new hearing (hearing de novo) before the County Board upon reasonable notice to all parties and in conformance with regulations of the County Board; or
 - If the County Board finds that a remand or a de novo hearing is not warranted, then the County Board will enter an order either affirming or reversing the school district’s board decision.
- c. Examples of evidence which may not be raised for the first time: Additional information about the facts surrounding the pupil’s misconduct; the pupil’s prior good behavior; or incidents occurring during the district’s investigation of the misconduct if the information was known or available prior to the original expulsion hearing. That evidence should have been offered at the school district hearing rather than now.

CONDUCTING THE APPEAL HEARING

A. Closed Session:

Expulsion appeals are heard by the County Board in closed session, unless the appellant requests in writing, an open session hearing. In closed session, only the parents, or representative, the pupil, and representatives of the local school district are permitted in the room with the County Board members and their staff. In open session, any member of the public may attend the hearing.

B. Hearing Procedure:

The Board President, or the designated presiding officer for the hearing, will call the hearing to order and describe the hearing procedures. Each person in the room will be asked to identify themselves for the record. A recording device will be in operation throughout the hearing.

The appellant, or representative, will be asked to indicate whether they noted on the expulsion appeal form a request to offer new evidence as part of the appeal hearing. If so, the County Board will listen to an “offer of proof” and decide whether new evidence should be allowed.

Next, the appellant, or representative, will be asked by the Board President to present an opening statement. This is an opportunity for the appellant to summarize or provide an overview of the issues in the appeal or provide any background information which will be

helpful to County Board members. The appellant will then be allowed to state the issues identified in the appeal and to provide an argument in support of each aspect of the appeal.

The representative of the school district will then be asked to make an opening statement and provide arguments reflecting the school district's position, and to respond to the issues raised in the parent's appeal.

It is important here to remain focused upon the record of the expulsion hearing contained in the expulsion appeal packet provided to each participant, and on the four (4) questions over which the County Board has authority to rule. They are:

1. *Whether the governing board acted within or in excess of its jurisdiction?*
2. *Whether there was a fair hearing by the school district?*
3. *Whether there was a prejudicial abuse of discretion by the school district in the expulsion procedures?*
4. *Whether there is relevant and material evidence, which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the governing board?*

The appellant need not be concerned about making a polished presentation, but it is important to prepare the presentation in advance. Having notes or a prepared script may be of great help.

C. Issues Raised by County Board Members:

During and after each presentation, members of the County Board may ask questions of the appellant and of the school district representative(s). County Board members may raise issues during the hearing based upon their own review of the hearing record. The appeal decision may be based upon these issues even if they are not raised by the appellant. Examples of issues commonly raised by County Board members are:

- Has the additional finding been made that either: (1) the pupil has received lesser corrections which have not been effective; or (2) the pupil presents a danger to the physical safety of others or themselves because of the nature of the misconduct? If such finding has been made, has the school district described the evidence in the record that supports the finding?
- Was the misconduct proven by evidence which shows first-hand knowledge or which is not solely hearsay?

The appellant and the school district representative should review the entire hearing record prior to attending the hearing and be prepared to discuss any issue raised at the appeal.

D. County Board Deliberations:

When the presentations and questions are completed, the County Board will either retire to another room to deliberate or excuse from the Board Room all present except the County Board, the Board's legal advisor, the county superintendent, and any necessary staff. No representative of the school district or the appellant will be allowed to attend the deliberations.

In making its decision, the County Board will take into consideration all of the following:

- The County Board may not substitute its judgment for the judgment of the school district governing board.
- The County Board may not reverse a school district governing board's decision because of technical inadequacies in the hearing process unless it first determines that the error was prejudicial.
- The County Board may not consider evidence other than that contained in the record of the proceedings of the school district governing board except as noted in the section regarding "new evidence."

E. County Board Decision:

After deliberating, the County Board will reconvene in open session and announce its decision. As the County Board consists of five (5) members, three (3) affirmative votes are required to reverse an expulsion decision by a local school district governing board irrespective of the quorum present at the appeal hearing. If the County Board enters a decision reversing the school board's decision, the County Board may direct the school board to expunge the record of the pupil and the records of the district of any references to the expulsion action and the expulsion shall be deemed not to have occurred.

Although the County Board must render a written decision within three (3) school days of the hearing, it usually renders its verbal decision on the day of the hearing. The parent and the governing board of the school district will be notified of the decision of the County Board in writing. The order shall become final when rendered.

ADDENDUMS

- A EXPULSION APPEAL FORM AND REQUEST FOR HEARING – 2 PAGES

- B REQUEST FOR TRANSCRIPT AND SUPPORTING DOCUMENTS FROM SCHOOL DISTRICT

- C CERTIFICATION OF INABILITY TO AFFORD COST OF TRANSCRIPT



ADDENDUM A

EXPULSION APPEAL AND REQUEST FOR HEARING

Last, First, and Middle Initial of Pupil

Date of Birth

Grade

Address (number, street, city, zip code)

School District

School

Date School District Governing Board Voted to Expel

First and Last Names of Parent(s), if applicable

Telephone Number (include area code)

Address (number, street, city, zip code)

First and Last Names of Guardian(s), if applicable

Telephone Number (include area code)

Address (number, street, city, zip code)

First and Last Name of Attorney, if applicable

Telephone Number (include area code)

Address (number, street, city, zip code)

Please state the reason(s) given by the school district Governing Board for expulsion. Please attach a copy of the Notice of Expulsion, if possible.

An expulsion may be appealed only on one or more of the following grounds. Check all that apply, and give a brief explanation of why you feel the expulsion should be set aside (reversed) in the area listed below that is applicable to your pupil's case. Attach documentation, if any.

1. _____ The school district Governing Board proceeded without, or in excess, of its jurisdiction.

2.____ The school district Governing Board failed to provide for a fair hearing.

3.____ There was a prejudicial abuse of discretion in the hearing as such abuse is described in Education Code section 48922.

4.____ There is new, relevant evidence that could not have been produced at the time of the hearing, or there was relevant evidence that was improperly excluded at the hearing. Explain the circumstances and describe briefly the nature of the new or improperly excluded evidence.

Type of Hearing Requested: _____Closed to the Public _____Open to the Public
(Note: Closed hearing is recommended due to student confidentiality issues)

Signature of Parent or Guardian

NOTE: This Notice of Appeal shall be delivered to the San Joaquin County Office of Education within thirty (30) calendar days following the date of expulsion. Please print or type all materials, except signature.

SEND OR DELIVER COMPLETED APPEAL FORMS TO:
San Joaquin County Office of Education
Attn: Assistant Superintendent, County Operated Schools and Programs
P.O. Box 213030 (mailing)
2707 Transworld Drive (physical)
Stockton, CA 95213
FAX: (209) 468-9051 nhopple@sjcoe.net



ADDENDUM B

REQUEST FOR TRANSCRIPT AND SUPPORTING DOCUMENTS FROM SCHOOL DISTRICT

NOTE: This letter must be received by the school district superintendent on or before the date you file the Expulsion Appeal and Request for Hearing with the San Joaquin County Board of Education

Student's Name

Date of Appeal (today's date)

School District Superintendent Name

School District Name

School District Address

RE: Request for Transcript and Supporting Documents from School District

Dear _____:
(Superintendent)

This is to inform you that I am filing an Expulsion Appeal and Request for Hearing with the San Joaquin County Board of Education relative to the district's expulsion of my daughter/son, _____ . Education Code sections 48919 and 48921 require that I request from you a transcript of the school district's expulsion hearing and supporting documents certified by you or by the Clerk of the Board to be a true and complete copy.

I understand that these documents will be prepared within ten (10) school days of this request and the filing of the Expulsion Appeal and Request for Hearing with the San Joaquin County Board of Education, provided my request is within thirty (30) days of the district school board's decision to expel. San Joaquin County Board of Education procedure requires that either (1) your office send a copy of the transcript and supporting documents directly to the San Joaquin County Board of Education, or (2) I take responsibility for the delivery of the transcript and documents within one (1) day of completion by your office. I am requesting:

_____ That you send a copy of the documents directly to the San Joaquin County Office of Education and a copy to me at the following address:

_____ That I am informed immediately when these documents are ready. I will then arrange for them to be picked up at your office, duplicated, and delivered to the San Joaquin County Office of Education within one (1) working day of their availability from your office.

Sincerely,

Parent/Guardian Signature

Print Name

Telephone Number



ADDENDUM C

CERTIFICATION OF INABILITY TO AFFORD COST OF TRANSCRIPT

Provide this document to the district Superintendent's office, if applicable

Date

Superintendent Name

School District Name

School District Address

RE: Certification of Inability to Afford Cost of Transcript

Dear _____:
(Superintendent)

This is to inform you that I, the parent of _____, for the reasons listed below, cannot reasonably afford the cost of the district's expulsion hearing transcript. I request that the transcript be provided to me without cost because of:

Limited income (explain): _____

Exceptional necessary expenses (explain): _____

Sincerely,

(Signature)