

## Instructions for Requesting an Expulsion Appeal

Under [Education Code section 48919](#) and in accordance with [Board Policy No. 5144](#), after the governing board of a school district makes a final action to expel a pupil, the pupil or their parent or guardian, has a right to file an appeal of expulsion to the San Diego County Board of Education.

### I. Necessary Forms:

The necessary forms to file an appeal to the Board of Education are:

- [Notice of Appeal of Expulsion and Request for Hearing](#)
- [Request for Transcripts and Supporting Documents from School District](#)
- (Optional) [Inability to Afford Cost of Transcripts Documents Record](#)

### II. Timeline

The pupil/parent/guardian has 30 days from the date the school district governing board voted to expel the pupil to file an appeal. If 30 calendar days (weekends and holidays are included) have passed since the date of the expulsion, the San Diego County Board of Education no longer has the jurisdiction to hear the appeal. This 30-calendar-day time limitation applies even during circumstances when the district suspends the enforcement of an expulsion order and allows the pupil to return to and attend school. Following the filing of a formal appeal request, the San Diego County Board of Education shall hold the hearing within 20 school days and render a decision within three school days of the hearing.

### III. Process to Complete

Proper filing of an appeal requires the completion of a three-step process:

1. First, complete and submit the Notice of Appeal of Expulsion and Request for Hearing form (linked above) to [expulsion.appeal@sdcoe.net](mailto:expulsion.appeal@sdcoe.net).
  - a. Please review the Scope of Hearing section in San Diego County Board of Education Policy No. 5144, and Education Code section 48922 before completing this form.
2. Simultaneously, submit a written request to the expelling school district for a copy of the written transcript of the expulsion hearing and supporting documents that are a part of the official expulsion record.
  - a. It is the appellant's responsibility to submit the written transcript to the county board for review. The cost of creating the written transcript is borne by the appellant unless:
    - 1) the pupil's parent or guardian certifies to the school district that they cannot afford it, or
    - 2) the county board reverses the expulsion decision, in which case the local governing board will reimburse the family for the costs.
  - b. The school district must provide the appellant with the transcripts, supporting documents, and records within 10 school days following the written request.

3. Immediately thereafter, file a suitable copy of the transcript and supporting documents/record with the San Diego County Office of Education. Please contact [expulsion.appeal@sdcoe.net](mailto:expulsion.appeal@sdcoe.net) to arrange this.

#### **IV. Scope of Review**

An appeal before the county board is not a rehearing but rather a procedural review of the transcripts of the hearing conducted by the expelling district to determine if all concerned have received a fair hearing. An appeal may be made when the pupil, parent, or guardian believes that one or more of the procedural conditions listed below has been violated:

1. The expelling school district board acted without, or in excess of, its jurisdiction. Examples include but are not limited to:
  - a. The expulsion hearing was not commenced within the required timeframes
  - b. The expulsion order is not based upon acts enumerated in Education Code section 48900 or, as applicable, Education Code section 48900.2, 48900.3, 48900.4, or 48900.7  
The acts that serve the basis for the expulsion were not related to a school activity or attendance
2. The expelling school district board did not conduct a fair hearing
3. The expelling school district board allowed a prejudicial abuse of discretion at the hearing
  - a. If school officials did follow required procedures
  - b. If the decision to expel the pupil is not supported by findings prescribed by Education Code section 48915
  - c. If the findings are not supported by the evidence

The expelling school district board's decision cannot be reversed upon a finding of abuse of discretion unless the County Board also determines that the abuse of discretion was prejudicial.

4. Relevant and material evidence exists that, in the exercise of reasonable diligence, could not have been produced or that was improperly excluded at the hearing before the expelling school district board

#### **V. Manner and Date of Hearing**

The county superintendent of schools, as secretary of the county board, shall set the date of the hearing within 20 school days following the receipt of a formal written request for a hearing, and shall, within two school days, furnish notice of this to the pupil and governing board. This Notice of Filing of Expulsion Appeal will include the date, time, and location of the hearing, which will be held in closed session (meaning the meeting is only open to members of the board of education, the student, the student's parent or guardian and legal counsel -- if applicable -- and staff members who are responsible for supporting the hearing) unless the appellant requests in writing at least five days prior to the date scheduled for the hearing that he or she wishes it be conducted in public.

## **VI. Conclusion**

San Diego County Office of Education staff members are available to address questions or concerns about the expulsion appeal process. We recommend that you contact us to discuss your interest in an appeal prior to submitting a request for an appeal hearing. Please email [expulsion.appeal@sdcoe.net](mailto:expulsion.appeal@sdcoe.net) or call 858-298-2076, and a member of our team will contact you.

As a reminder, it may be prudent to consider engaging the services of an attorney or other knowledgeable advocate who shall have the opportunity to present to the board at the hearing.

The appeal form (Notice of Appeal of Expulsion and Request for Hearing) shall be submitted or returned to the San Diego County superintendent of schools via email at [expulsion.appeal@sdcoe.net](mailto:expulsion.appeal@sdcoe.net), in person, or by mail to:

**San Diego County Superintendent of Schools  
Expulsion Appeal Request  
6401 Linda Vista Road  
San Diego, CA 92111-7399**