

**CAMBRIAN SCHOOL DISTRICT**  
**Board Policy**

**Procedure 5144.1**  
Adopted: March 22, 2005  
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**STUDENTS**

**Suspension and Expulsion/Due Process**

I. Definitions

*Suspension* from school means removal of a student from ongoing instruction for adjustment purposes.

Suspension does not mean reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level; referral to a certificated employee designated by the principal to advise students; removal from the class, but without reassignment to another class or program, for the remainder of the period, without sending the student to the principal or designee.

*Expulsion* means removal of a student from the immediate supervision and control, or the general supervision, of school personnel.

*Day* means a calendar day unless otherwise specifically provided.

*School day* means a day upon which the schools of the District are in session or weekdays during the summer recess.

*Student* includes a student's parent/guardian.

*Principal's designee* means one or more administrator or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary Procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office.

II. Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parent/guardians are notified in writing of all school rules related to discipline, suspension

and expulsion. Transfer students and their parents/guardians shall be notified at the time of enrollment.

Notification shall include information about the ongoing availability of individual school rules and all District policies and regulations pertaining to student discipline.

### III. Grounds for Suspension and Expulsion

A. Students may be suspended or recommended for expulsion when the Superintendent, principal, or principal's designee at the school in which the student is enrolled determines that the student has done any of the acts listed below (Education Code 48900):

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense.
2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence.

The principal or designee shall notify law enforcement authorities about any student in possession of weapons and any acts of assault by a student with a firearm or other deadly weapon or instrument. Any school employee is authorized to confiscate a weapon, dangerous instrument or imitation firearm from any person on school grounds.

3. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid, substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
5. Committed or attempted to commit robbery or extortion.
6. Caused or attempted to cause damage to school property or private property.
7. Stole or attempted to steal school property or private property.
8. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes,

smokeless tobacco, snuff, chew packets and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products.

9. Committed an obscene act or engaged in habitual profanity or vulgarity.
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5.
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
12. Knowingly received stolen school property or private property.
13. Possessed an imitation firearm, i.e., a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4.
15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
16. Made terrorist threats against school officials and/or school property.

A student in grades 4 through 8 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

17. Committed sexual harassment as defined in Education Code 212.5.
  18. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence.
  19. Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading student rights by creating an intimidating or hostile educational environment.
- B. A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any District school under the

jurisdiction of the Superintendent or principal or within any other school district, including but not limited to the following circumstances:

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus
4. During, going to, or coming from a school-sponsored activity

Alternatives to suspension or expulsion will be used with students who are truant, tardy, or otherwise absent from assigned school activities.

- C. Upon recommendation by the Superintendent, principal or principal's designee, the governing board may order a pupil expelled upon finding that the student committed an act listed in items 1-19 above. A decision to expel shall be based on a finding of one or both of the following:
1. Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
  2. Due to the nature of the act, the presence of the student causes a continuing danger to the physical safety of the student or others.
- D. The governing board shall refer a pupil who has been expelled pursuant to subsection B or C to a program of study which meets all of the conditions specified in subdivision D. Notwithstanding this subdivision, with respect to a pupil expelled pursuant to this subdivision E, if the county Superintendent of schools certifies that an alternative program of study is not available at a site away from a comprehensive middle, junior, or senior high school, or an elementary school, and that the only option for placement is at another comprehensive school, the pupil may be referred to a program of study that is provided at a comprehensive school.

#### IV. Authority to Suspend

*A teacher* may suspend any student from the teacher's class for any of the acts listed under "Grounds for Suspension and Expulsion" above for the day of the suspension and the day following.

*A Superintendent, principal, or principal's designee* may suspend a student from a school for any of the acts listed under "Grounds for Suspension and Expulsion" above for not more than five consecutive school days. A student may be suspended from school for not more than 20 school days in any school year, unless for purposes of adjustment a student enrolls in or is transferred to

another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 school days in any school year.

Suspension may be imposed upon a first offense if the principal determines the student violated items 1-19 of the list and the student's presence causes a danger to persons or property or threatens to disrupt the instructional process.

## V. Suspension Procedures

### A. Suspension from Class by a Teacher/Parental Attendance

Suspension from class means the removal of a student from class by a teacher for the day of the suspension and the next day. A teacher may suspend a student from class and may also refer a student for consideration of suspension from school for any act listed in "Grounds for Suspension and Expulsion" above. When suspending a student, the teacher shall immediately report this action to the principal and send the student to the principal for appropriate action. The student shall be appropriately supervised during the class periods from which he/she has been suspended.

As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the suspension. A counselor or psychologist should attend the conference if it is practicable, and a school administrator may attend if either the parent/guardian or teacher so request.

A suspended student shall not be returned to class during the period of suspension without the approval of the teacher of the class and the principal.

A student suspended from class shall not be placed in another regular class during the period of suspension. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was suspended.

The teacher of any class from which a student is suspended may require the suspended student to complete any assignments and tests missed during the suspension.

When a teacher requires a parent/guardian to attend school in accordance with Board policy, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is required pursuant to law.

The teacher shall remind the parent/guardian to meet with the principal or designee after completing the classroom visit and before leaving school premises.

B. Suspension by Superintendent, Principal, or Principal's Designee

Mandatory Recommendation and Mandatory Expulsion: The Superintendent, principal or designee shall recommend that the Board expel any student found at school or at a school activity to be:

1. Possessing, as verified by a District employee, or selling or otherwise furnishing a firearm unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence.
2. Brandishing a knife, as defined in Education Code 48915(g), at another person.
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058.
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in subdivision (n) of Education Code 48900.

Suspension also may be imposed upon a first offense if the Superintendent, principal or designee determines the student violated items 1-19 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)

A student may be suspended from school for not more than 20 school days in any school year, unless for purposes of adjustment a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion.

1. Informal Conference

Suspension shall be preceded by an informal conference conducted by the principal, designee or the Superintendent between the student, and whenever practicable, the teacher, supervisor or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her and shall be given the opportunity to present his/her version and evidence in support of his/her defense.

This conference may be omitted if the principal, designee or the Superintendent determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or school personnel. If the pre-suspension conference is not held, both the parent/guardian and student shall be notified of the student's right to return to school

for the purpose of a conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such case, the conference will be held as soon as the student is physically able to return to school.

2. Administrative Actions

All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the misbehavior.

A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee.

3. Notice to Parents/Guardians

At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911)

This notice shall state the reasons for suspension and the date and time when the student may return to school. Should school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may also add that state law requires the parent/guardian to respond to such request without delay.

4. Parent/Guardian Conference

Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved, and any other pertinent matters. (EC 48914)

While the parent/guardian is required to respond without delay to a request for a conference about a student's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such conference. The student may not be denied readmission solely because the parent/guardian failed to attend.

5. Extension of Suspension

If the expulsion of a suspended student is being considered by the Board, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision. (EC 48911 (g))

This extension may be made only if the Superintendent or designee has determined, following a meeting with the student and the student's parent/guardian, that the

student would endanger persons or property or threaten to disrupt the instructional process. Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold an additional conference concerning the extension, giving the student a further opportunity to be heard. (EC 48911 (g))

C. Suspension by the Board

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it may hold closed sessions if a public hearing would lead to disclosure of information which would violate a student's right to privacy under Education Code 49073 et seq.

However, the Board shall provide the student with written notice of the closed session by registered or certified mail and the student may request a public meeting. The request shall be granted if made in writing within 48 hours after receipt of the Board's notice.

However, any discussion that conflicts with any other student's right to privacy shall be in closed session.

VII. Authority to Expel

- A. A student may be expelled only by the Board.
- B. The principal, Superintendent or designee shall recommend a student's expulsion for any of the following acts, unless the principal or Superintendent finds and reports in writing to the Board, that expulsion is inappropriate due to particular circumstances which shall be set out in the report of the incident:
  - 1. Causing serious physical injury to another person, except in self-defense.
  - 2. Possession of any firearm, knife, explosive or other dangerous object of no reasonable use to the student at school or at a school activity off school grounds.
  - 3. Unlawful sale of any controlled substance, as listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
  - 4. Robbery or extortion.
- C. The Board may order a student expelled for any of the acts listed under "Grounds for Suspension and Expulsion" above upon recommendation by the principal, Superintendent, hearing officer or administrative panel finding that the student violated items 1 - 19 of the list, and other means of correction are not feasible or have repeatedly failed to bring about proper conduct; or due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others.



## VIII. Expulsion Procedures

### A. Student's Right to Hearing

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the principal or Superintendent or designee determines that one of the acts listed under "Grounds for Suspension and Expulsion" has occurred.

The student is entitled to one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion.

If the Board finds it impracticable to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held.

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay.

### B. Written Notice of the Hearing (Education Code 48922(b))

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include all of the following:

1. The date and place of the hearing.
2. A statement of the specific facts and charges upon which the proposed expulsion is based.
3. A copy of the disciplinary rules of the District that relate to the alleged violation.
4. A notice of the parent, guardian, or pupil's obligation pursuant to Education Code 48915.1, subsection b.
5. Notice of the opportunity for the pupil or the pupil's parent or guardian to appear in person or employ and be represented by counsel, to inspect and obtain copies of all documents to be used at the hearing, to confront and question all witnesses who testify at the hearing, to question all other evidence presented, and to present oral and documentary evidence on the pupil's behalf, including witnesses. In a hearing in which a pupil is alleged to have committed or attempted to commit a sexual assault or

sexual battery as defined in EC 48900, a complaining witness shall be given five days' notice before being called to testify, and shall be entitled to have up to two adult support persons, including but not limited to a parent, guardian, or legal counsel, present during their testimony. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.

C. Conduct of Hearing

1. Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public hearing. If such request is made, the meeting shall be public. Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to determine if the student should be expelled. If the Board admits any other person to the closed session, the parent/guardian, the student, counsel of the student and counsel of the parent/guardian shall also be allowed to attend the closed session. (Education Code 48922(c))
2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, so long as a reasonably accurate written and complete transcription of the proceedings can be made.
3. Presentation of Evidence: While technical rules of evidence do not apply to such hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs.

The decision of the Board to expel must be supported by substantial evidence that the student committed any of the above acts listed under "Grounds for Suspension and Expulsion" above. Findings of fact shall be based solely on the evidence at the hearing. While no evidence shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure may subject them to an unreasonable risk of harm. (Education Code 48922(f), (h))

4. Decision Within Ten Days: The Board's decision on whether to expel a student shall be made within ten school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed.
5. Decision Within 40 Days: If the Board does not meet on a weekly basis, its decision on whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918a))

D. Alternative Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer, or with the Office of Administrative Hearings of the State of California for a hearing officer. Alternatively, the Board may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled.

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures as apply to a hearing conducted by the Board as specified in "Conduct of Hearing" above.

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the student shall be immediately reinstated. (See "Reinstatement" below)

If expulsion is recommended, finding of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order.

The hearing officer or administrative panel may recommend that the Board suspend the expulsion for a period of one year. (See "Suspension of Expulsion" below.)

The Board shall make its decision about the student's expulsion within 40 school days after the date of the student's removal from school unless the student requests in writing that the decision be postponed.

#### E. Final Action by the Board

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel, the final action to expel must be taken by the Board at a public meeting. The Board shall maintain a record of each expulsion, including its cause. Expulsion records shall be nonprivileged, disclosable public records.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the District. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis.

The Board may recommend a plan for the student's rehabilitation, which may include:

1. Periodic review and assessment at the time of application for readmission.
2. Recommendations for counseling, employment, community service and other rehabilitation programs.
3. Such other recommendations as the Board approves.

With parental consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (EC 48916.5)

F. Reinstatement

When the Board accepts a recommendation against expulsion or makes its own decision after the hearing not to expel, the decision is final and the student shall be reinstated immediately. The Superintendent or designee shall place the student in any classroom program, other instructional program, rehabilitation program, or any combination of such programs following consultation with District personnel, including the teacher involved, and with the student's parent/guardian.

G. Written Notice to Expel

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal such expulsion to the County Board of Education.

The notice also shall inform the student or parent/guardian of his/her obligation to inform any new District in which the student seeks to enroll of the student's status with the expelling District, pursuant to Education Code 48915.1.

IX. Readmission

An expulsion order shall remain in effect until the Board may order the readmission of the student. Readmission Procedures shall be as follows:

- A. A written request for review of expulsion action and request for readmission shall be submitted by the parent/guardian to the Superintendent or designee.
- B. The Superintendent or designee will hold a conference with the parent/guardian and the student.

At the conference the conditions for readmission will be reviewed. The Superintendent or designee shall verify that the conditions have been met. School regulations will be reviewed and the student and parent/guardian will be asked to indicate in writing their willingness to comply with these regulations.

- C. The Superintendent or designee will transmit the request for readmission to the Board, along with his/her recommendation. The Board may consider the request in closed session or in open session.

If a written request for open session is received from the student or the parent/guardian, it will be honored.

- D. The Superintendent or designee will notify the student or parent/guardian, by registered mail, of the Board's decision regarding readmission.

#### X. Suspension of Expulsion

- A. The Board, upon voting to expel a student, may suspend the enforcement of the expulsion order for not more than one calendar year and may, as a condition of the suspension of enforcement assign the student to a school, class or program appropriate for the student's rehabilitation. When deciding whether to suspend an expulsion, the Board shall take into account the following criteria:

1. The student's previous behavior
2. The seriousness of the misconduct.
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program.

- B. During this period the student shall be on probationary status.
- C. The suspension of expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the District's rules and regulations governing student conduct.
- D. When the suspension of expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.
- E. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a District school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings.

- F. Suspension of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. The appeal must be filed within 30 days of the Board's decision to expel.
- G. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the County Board.

#### XI. Right to Appeal

The student or parent/guardian is entitled to file an appeal of the Board's decision to the County Board. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion action is suspended and the student is placed on probation.

#### XII. Maintenance of Records

The Board will maintain a record of each expulsion, including the cause therefore. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls, within five days of a written request by the admitting school.

The Superintendent or designee shall, within five working days, honor any other District's request for information about an expulsion from this District.

#### XIII. Notifications and Reports

##### A. Notice to Law Enforcement Authorities

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering or sale of controlled substances, alcohol, or intoxicants of any kind.

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245.

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student possession of weapons or firearms in violation of Penal Code 626.9 and 626.10.

##### B. Reports to California Department of Education

On forms supplied by the California Department of Education, principals or designees shall regularly submit to the Superintendent or designee a completed report of student suspensions and expulsions. The Superintendent or designee shall compile this information and submit the aggregated district data to the California Department of Education in accordance with timelines established in law.

## **INDIVIDUALS WITH EXCEPTIONAL NEEDS**

### **I. Suspension**

A student enrolled in a special education program is subject to the same grounds for suspension which apply to non-handicapped students.

All the procedural safeguards established by District policies and regulations shall be observed in considering the suspension of special education students including the requirement that, depending on the disruptiveness of the conduct, some form of in school intervention be used prior to suspension to show that suspension was imposed only when other means of correction failed to bring about proper conduct.

The Superintendent or designee may suspend a special education student for up to, but not more than, ten days for a single incident of misconduct, without the agreement of the parent/guardian or a court order. In the case of a truly dangerous child, a suspension may exceed ten days, or the student's placement may be changed, or both, if the parent/guardian so agrees or if a court order so provides.

### **II. Expulsion**

The Board may expel a special education student only if an individualized education program team has determined that 1) the misconduct was not caused by, or a direct manifestation of, the student's identified handicap; and 2) the student was appropriately placed at the time the misconduct occurred.

- A. The IEP team meeting shall be held to determine if an expulsion hearing is appropriate. This meeting shall determine the manifestation and placement issues indicated above. The IEP shall be held as soon as possible after a recommendation to expel.
- B. The parent/guardian shall be notified of his/her right to participate in the meeting at least 48 hours before the meeting. His/her request that the meeting be postponed shall be granted for up to three additional school days. The District may extend any suspension of the student for the period of postponement. However, the suspension shall not be extended beyond ten days unless agreed to by the parent/guardian.

- C. Unless a parent/guardian has requested a postponement, the meeting may be conducted without the parent/guardian's participation.
- D. The IEP team shall also review and consider the student's health records and school discipline records.
- E. If the IEP team determines that the alleged misconduct was not caused by, or a direct manifestation of, the student's handicapping condition, and if it is determined that the student was appropriately placed, the student shall be subject to the applicable disciplinary actions and procedures prescribed for suspension and expulsions of all students.
- F. The parent of each student with previously identified exceptional needs has a right to a due process hearing conducted pursuant to Section 1415 of Title 20 of the United States Code if the parent disagrees with the decision of the IEP team.
- G. If the state's special education due process hearing is initiated by the parent/guardian due to a disagreement with the IEP team recommendations, the District shall cooperate with the State Department of Education towards achieving an expeditious resolution to the disagreement.
- H. If a parent demands a due process hearing concerning the IEP determination, the student shall remain in his current placement pending resolution of the due process proceeding unless:
  - 1. He/she has been suspended for up to, but not more than, ten days because he/she poses an immediate threat to the safety of others.
  - 2. The student and his/her parents agree to a change in placement.
  - 3. A court order has been obtained permitting such a change in placement.
  - 4. The change is a "minor" change in program or services rather than a "significant" change in placement. (Doe v. Maher)
- I. Parental consent is not required prior to conducting a pre-expulsion educational assessment or as a condition of the final decision to expel.

### III. Readmission

Readmission Procedures shall parallel those used for non-handicapped students and also shall include the following provisions:



- A. The Board shall include input from the IEP team when developing a recommended rehabilitation plan for an expelled special education student.
- B. The Superintendent or designee who confers with the parent/guardian and the expelled special education student regarding readmission may also consider the comments of the student's IEP team when developing recommendations to the Board regarding a request for readmission.

#### IV. Suspension of Expulsion

The Board's criteria for suspending the enforcement of an expulsion order shall be applied to special education students just as they are applied to regular students.