

Understanding Expulsion and Alternative Educational Options

Board of
Education
3/22/22



GOALS & STRATEGIES

LCAP – Goal 3 PSUSD will provide healthy and physically and emotionally safe learning environments that foster and support all students.

1

Ensure students and staff are safe and students are engaged at school

2

Decrease the number of student suspensions

3

Decrease the disproportionality in the rate of student suspensions

4

Decrease the number of student discretionary expulsion referrals

5

Decrease the disproportionality in the rate of student discretionary expulsion referrals

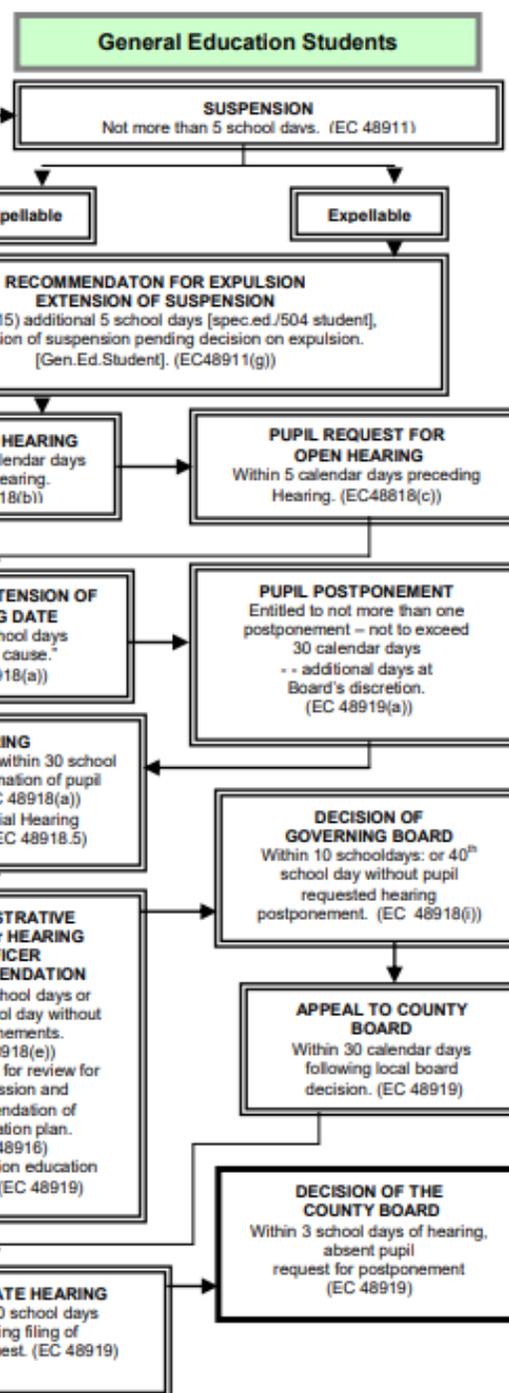
When to Refer for an Expulsion Hearing

Expulsion Matrix

Offense category	Principal/Superintendent's discretion to recommend expulsion	Governing Board's discretion to order expulsion
Discretionary offenses	Complete discretion whether to recommend expulsion	Complete discretion whether to order expulsion, even if the student could lawfully be expelled
Medium-discretion offenses	Must recommend expulsion, unless the principal (or superintendent) determines that expulsion should not be recommended given the circumstances or that alternative means of correction are justified	Complete discretion whether to order expulsion, even if the student could lawfully be expelled
Mandatory expulsion (zero tolerance) offenses	Principal (or superintendent) must immediately suspend and recommend expulsion	Governing board must order expulsion if the student can lawfully be expelled (however, this may be a <i>suspended expulsion</i> ¹²)

FLOW CHART

Determination of Conduct in violation of EC 48900 .2, .3, .4, .7 Day One



Expulsion - Process

Step One - School Site administrator makes a recommendation for expulsion based on Ed-code violation. **Admin Role - Determine if expulsion is warranted.**

Step Two - Hearing Panel hears administration's evidence and student's evidence and makes a decision to forward the recommendation to the board of trustees. **Hearing Panel Role - hold the hearing and present options to board**

Step Three - Board of Trustees votes to put forth the panel's recommendation. **Board of Trustees Role is to vote for or against the expulsion recommendation.**

Mandatory Expulsion Offenses

Education Code 48915 (c) The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:

- (1) Possessing, selling, or otherwise furnishing a firearm.
- (2) Brandishing a knife at another person.
- (3) Unlawfully selling a controlled substance
- (4) Committing or attempting to commit a sexual assault or committing a sexual battery as defined in
- (5) Possession of an explosive.

Shall Recommend Expulsion Offenses

Education Code 48915 (a) (1) Except as provided in subdivisions (c) and (e), the principal or the superintendent of schools shall recommend the expulsion of a pupil.

- (A) Causing serious physical injury to another person, except in self-defense.
- (B) Possession of any knife or other dangerous object of no reasonable use to the pupil.
- (C) Unlawful possession of any controlled substance
- (D) Robbery or extortion.
- (E) Assault or battery upon any school employee.

AND

- (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 pupil causes a continuing danger to the physical safety of the pupil or others.

May Recommend Expulsion Offenses

- EC 48915 principal may ... recommend expulsion upon finding that the pupil, at school or at a school activity off of school grounds, violated subdivision
- (f) Caused property damage,
- (g) Committed theft,
- (h) Used tobacco,
- (i) Obscenity, profanity, vulgarity,
- (j) Possessed drug paraphernalia,
- (l) Received Stolen property,
- (m) Possessed imitation firearm
- (n) Sexual harrassment
- (o) Harassed or intimidated a witness
- (q) Hazing
- (r) Bullying, cyber bullying

AND

- **A decision to expel for either (b) or (e) a pupil 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 pupil causes a continuing danger to the physical safety of the pupil or others.

Board of Trustees Roles and Responsibilities

At the conclusion of expulsion hearing the panel makes a recommendation for the board of trustees: The board's role is to vote to accept the hearing panel's recommendation, change the recommendation or vote against.

(No investigation, no retrying the "case", voting for or against the expulsion)

(1) the student is not expelled; The school cannot seek an alternate decision from the governing board and has no right to appeal. Rather, the student must be immediately reinstated in their school of origin and permitted to return to school without conditions Cal. Educ. Code § 48918(e).

(2) the student is expelled; the governing board expels the student. The student will not be permitted to attend any of the comprehensive schools within the school district for the term of the expulsion. Cal. Educ. Code § 48915.2

(3) the student is ordered expelled, but the expulsion order is "suspended" and the student is allowed to return to school on probationary status. During the suspended expulsion, the student might return to their original school, or they may be assigned by the governing board to another educational placement. Cal. Educ. Code § 48917(a)

#3 Alternative to Expulsion Ed-Code 48917

- (a) The governing board, upon voting to expel a pupil, may suspend the enforcement of the expulsion order for a period of not more than one calendar year and may, as a condition of the suspension of enforcement, assign the pupil to a school, class, or program that is deemed appropriate for the rehabilitation of the pupil. The rehabilitation program to which the pupil is assigned may provide for the involvement of the pupil's parent or guardian in his or her child's education in ways that are specified in the rehabilitation program.
- (b) The governing board shall apply the criteria for suspending the enforcement of the expulsion order equally to all pupils, including individuals with exceptional needs as defined in Section 56026.
- (c) During the period of the suspension of the expulsion order, the pupil is deemed to be on probationary status.
- (d) The governing board may revoke the suspension of an expulsion order under this section if the pupil commits any of the acts enumerated in Section 48900 or violates any of the district's rules and regulations governing pupil conduct. When the governing board revokes the suspension of an expulsion order, a pupil may be expelled under the terms of the original expulsion order.
- (e) Upon satisfactory completion of the rehabilitation assignment of a pupil, the governing board shall reinstate the pupil in a school of the district and may also order the expungement of any or all records of the expulsion proceedings.
- (f) A decision of the governing board to suspend an expulsion order does not affect the time period and requirements for the filing of an appeal of the expulsion order with the county board of education required under Section 48919. Any appeal shall be filed within 30 days of the original vote of the governing board.

Alternatives to Expulsion Ed-Code 48917

PSUSD offers several alternatives to expulsion, where students are placed involuntarily through an administrative transfer for the length of their suspended expulsion.

This could be a placement in one of our alternative settings if the student meets the criteria:

Come Back Kids - RCOE Charter School located @ Palm Springs Community School and at EWEC, focused on at risk students and credit recovery. (Grades 9-12)

MSJ (Credit deficient and of age 16+) - Students who are behind in credits and are at least 16 years or older could be placed at MSJ for an Independent Study Plan. (Grades 11-12)

Graduation Alliance (Credit Deficient and a senior) - Students who are significantly behind, have at-risk behaviors and would benefit from in person career counseling coach. (12th grade)

Alt Ed @ EWEC for Special Education Students - New for 2022/2023 (9th-12th grade) in a partnership with One Future Coachella Valley, we would offer students career technical/workability training in addition to core classes with a dedicated SEL curriculum to support at-risk behaviors.



Expulsion - School Placement

- When a student is ordered expelled, they may no longer attend any school in the expelling district.
- We assist the parent with a referral to a County run Community School which is for expelled students and students on a 45-day placement for weapons and drug offenses.
- Riverside County runs Palm Springs Community School where they serve students in grades 6-12.
- Parents may opt to find another school such as California Connections, California Virtual School, Mojave River, or Charter Schools.
- Some parents do not enroll their child in school during the expulsion but complete the expulsion agreements and then when their child is reinstated, they are credit deficient.

Palm Springs Community School (13 Students)

- Run by Riverside County Office of Education
Principal Arthur Kimball
1800 E. Vista Chino Palm Springs, Ca.



- The Riverside County Office of Education Alternative Education program. The Alternative Education Community School provides a comprehensive instructional program for district referred students in grades 6-12 and Probation referred students. The Community School is accredited by the Western Association of Schools and Colleges (WASC) and provides students with curriculum, instruction, and assessment to ensure that students graduate from high school well prepared for college and careers.
- The instructional program includes California standards-based core instruction, credit recovery classes, physical education, and elective classes designed to help students develop their career goals and interests. They offer CTE credits and culinary arts program.

Scenario

- Two students leave school and drive to a neighboring school and begin shooting at students walking home with a BB gun. Two students are injured in the event. One of the victims calls 911 and police pull the car over. Students are searched and they are found to be in possession of an imitation firearm. Both students admit to shooting the gun. Students are charged with assault.
- Students are suspended 5 days pending expulsion under ed-code 48900m.
- One student has no prior discipline and is two classes from graduation with a good GPA. The other student is only in 10th grade, has a zero GPA and previous suspensions.
- What should the school do?

Scenario

- An 11th grade student was seen going into a bathroom with another group of students. After the group left, security went in the bathroom and smelled marijuana.
- They then went and took the student to admin for a safety check. Upon completing a safety check of the student, they found a vape cartridge, a lighter, and a knife in his backpack. Upon searching his car they also found a bottle of alcohol.
- This is the student's third incident for drugs/alcohol, Insight program has previously been assigned, he is failing all of his classes, and he has been suspended 11 days already this school year.
- What should the school do?

Questions?

