

STUDENTS

SUBJECT: Students Expelled From Districts

The County Office of Education may admit students expelled from school districts upon request as long as their admission is consistent with providing a safe, secure and positive school environment for all students and staff.

(cf. 0450 - Comprehensive Safety Plan)

If a student expelled from a district is granted enrollment, in accordance with the procedures specified below, he/she shall either establish legal residence in this County or enroll pursuant to an interdistrict attendance agreement. (Education Code 48915.1, 48915.2)

(cf. 5111 - Admission)

(cf. 5111.1 - District Residency)

Enrollment During the Term of the Expulsion

The County Office of Education shall not enroll a student expelled by another district for any of the offenses listed in Education Code 48915(a) or (c) (mandatory expulsion offenses) during the term of the student's expulsion, unless the enrollment is at a community day school pursuant to subdivision (c) of Section EC 1981 or a juvenile court school, as described in Section 48645.1.

Upon receiving a request for enrollment from a student expelled from another district for acts other than those specified in Education Code 48915(a) or (c), the County Office of Education shall hold a hearing to determine whether the student poses a continuing danger to students or staff. The hearing shall be conducted and notice shall be provided in accordance with procedures governing expulsion of students described in Education Code 48918. (Education Code 48915.1)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

If the student or parent/guardian neglects to inform the County Office of Education that the student was expelled from his/her previous district for an act other than those listed in Education Code 48915(a) or (c), the County Board of Education shall record and discuss this lack of compliance during the hearing. (Education Code 48915.1)

A student expelled for acts other than those specified in Education Code 48915 (a) or (c) may be admitted or conditionally admitted during the term of expulsion when the County Office of Education determines at a hearing that the student does not pose a potential danger to students or employees. However, if such a student is found to pose a potential

danger, the County Office of Education may deny enrollment for the remainder of the expulsion period. (Education Code 48915.1)

(cf. 5145.6 - Parental Notifications)

Enrollment After the Term of the Expulsion

A student expelled for an act specified in Education Code 48915(a) or (c) may enroll with the County Office of Education after the term of his/her expulsion if the County Office of Education finds, at a hearing, that the student does not pose a continuing danger to students or staff. The hearing shall be conducted and notice shall be provided in accordance with procedures governing expulsion of students described in Education Code 48918. (Education Code 48915.2)

A student expelled for any act other than those specified in Education Code 48915(a) or (c) may request enrollment after the term of his/her expulsion in accordance with the County Office of Education's procedures for establishing residency or interdistrict transfer.

Legal Reference:

EDUCATION CODE

1981 Enrollment of Pupils

46600 Agreements for interdistrict attendance

46601 Failure to approve interdistrict attendance; expulsion prohibiting appeal

48200 Compulsory attendance

48645.1 Juvenile court school

48660-48666 Community day schools

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another district

48915.2 Expelled student; enrollment during and after period of expulsion

48918 Rules governing expulsion procedures

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

California Attorney General's Office: <http://www.caag.state.ca.us>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office of Safe and Drug-Free Schools:

<http://www.ed.gov/about/offices/list/osdfs>