

VENTURA COUNTY BOARD OF EDUCATION

ADMINISTRATIVE REGULATION NO. 5144.3

ADOPTED: 10/24/22

CLASSIFICATION: Students

SUBJECT: Student Expulsion Appeals

A parent or guardian of a student expelled from any school district under the jurisdiction of the Ventura County Superintendent of Schools may appeal the expulsion to the County Board if the parent can show grounds for which the appeal is based as listed in the section "Scope of Review" in the accompanying Board policy. This process shall be confidential to the extent possible.

It is the desire of the County Board that all appeal proceedings be completed as quickly as possible, consistent with affording all parties a fair opportunity to prepare and present their case within the timelines set forth by law. Staff from the Ventura County Superintendent of Schools shall assist the student, the student's parent/guardian, and the school district with the procedures for filing an appeal, scheduling of the hearing, and submission of the hearing transcript and supporting documents.

FILING AN APPEAL

An expulsion appeal shall be filed with the County Board in writing, utilizing the Notice of Appeal Form. The Notice of Appeal Form shall briefly state the understanding of the student or the student's parent/guardian of the reason for which the student was expelled and the reason why the decision of the district governing board should be reversed.

In order to be timely, the Notice of Appeal Form must be received by the Ventura County Superintendent of Schools within 30 days following the decision of the district governing board to expel. If the thirtieth day falls on a Saturday, Sunday, or holiday, the appeal may be filed the next business day. Delivery of the appeal form may be made in person, by email, or by U.S. mail. Forms mailed and postmarked, but not actually received by the Ventura County Superintendent of Schools within 30 days will not be accepted. The County Board does not have jurisdiction to hear appeals that are received past the 30-day timeline.

The following shall be used in determining the timeliness of an appeal:

1. No appeal shall be filed with the County Board in the absence of an action by the district governing board.
2. A decision of the district governing board to suspend an expulsion order and place the student on probation shall not affect the 30-day timeline and the requirements for the filing of an appeal with the County Board.
3. A student or a student's parent/guardian who fails to appeal the original action within the 30-day timeline may not subsequently appeal a decision of the district governing board to revoke probation and impose the original order of expulsion.

On the same day the appeal is filed with the County Board, the student or the student's parent/guardian shall submit a written request for a copy of the written transcription and supporting documents from the school district. The cost of the transcript shall be borne by the student except in either of the following situations:

1. Where the student's parent/guardian certifies to the school district that they cannot reasonably afford the cost of the transcript because of limited income or exceptional necessary expenses, or both.
2. In a case in which the County Board reverses the decision of the district governing board, the County Board shall require that the local board reimburse the student for the cost of such transcription.

Once the student or the student's parent/guardian receives the requested documents from the school district, it is the responsibility of the student or the student's parent/guardian to provide such documents to the Ventura County Superintendent of Schools no later than 10 days prior to the hearing.

CONDUCT OF HEARING

The County Board believes that student expulsion appeals are among the most important business that the County Board undertakes. Every County Board member present for such an appeal should, absent some disqualifying conflict of interest, participate in the decision on such appeals; therefore, abstentions on appeal decisions are strongly discouraged. Three affirmative votes of the County Board are required for the expulsion appeal to be granted.

The student or the student's parent/guardian may request a postponement of the hearing before the County Board. Such request shall be filed in writing no less than five days prior to the date of the hearing. The request may be granted at the discretion of the County Board.

The hearing shall proceed as follows:

1. The President or Vice President of the County Board shall preside over the hearing.
2. The Ex-Officio Officer and Executive Secretary to the County Board shall provide a brief summary of the case.
3. The legal counsel to the County Board shall state the general procedures to be followed.
4. All parties shall be cautioned that the County Board is only limited to the hearing of proceedings of the district governing board and that no new evidence can be considered.

However, new evidence may be presented to support an argument that such evidence should have been allowed at the local hearing or that while it was unknown or unavailable then, a new hearing should be conducted because of its importance to the ultimate determination of the expulsion.

5. Each party may submit a written brief prior to the opening statement. The written brief shall not be considered as evidence.
6. Each party shall make an opening statement of up to five minutes to the County Board, beginning with the student, parent/guardian, or representative.
7. After the district's opening statement, the student has the opportunity to make a rebuttal or closing argument of up to two minutes.
8. During or after each party's statement, members of the County Board may question and request clarification of certain facts and circumstances relating to the district governing board's decision to expel.

If the student and/or the student's parent/guardian require an interpreter, any time allotted will be doubled.

Whether the hearing is held in closed or public session, the County Board shall deliberate in closed session to review the arguments of both parties and the evidence presented at the local hearing. The County Board may call back any party for further questions and clarifications during the course of deliberations. If this occurs, all parties must be present.

Following deliberations, the County Board shall convene in open session to render its final decision.

TERMINATION OF THE APPEAL

Unless otherwise excused by the County Board, failure of the student or the student's parent/guardian to appear at the hearing or to pursue the appeal with diligence within the timelines established by law and by this administrative regulation and the accompanying Board policy may be deemed an abandonment of the appeal and the County Board may dismiss the appeal.

Failure of the school district to produce the record of proceedings in a timely manner or to appear at the hearing may be deemed an abandonment of the appeal and the County Board may reverse the decision of the district governing board.