

Humboldt County Office of Education

Appeal of Expulsion and Request for Hearing Procedures

Filing an appeal requires you to complete a three-step process:

1. Fully complete the enclosed "Appeal of Expulsion and Request for Hearing" form and submit it to the Humboldt County Office of Education, 901 Myrtle Avenue, Eureka, CA 95501, to the attention of Janine Melanson.
2. Simultaneously, submit to the school district a request for a copy of the written transcript of the expulsion hearing and supporting documents which are part of the official expulsion record (a form is enclosed for your convenience). The appeal form requires your certification that you have requested the transcript.

The school district is required to provide you with a certified copy of the written transcripts and supporting documents within ten (10) school days of your request, providing a complete Expulsion Appeal and Request for Hearing form has been filed with the County Office of Education. The supporting documents must include the following:

- a. The notice of hearing sent to the pupil;
- b. A record of receipt by the pupil of the notice of hearing;
- c. Rules and/or regulations of the governing board which the pupil was found to have violated;
- d. All correspondence related to, concerning, or leading to the expulsion;
- e. All documentary evidence before the hearing panel and/or governing board;
- f. The findings of fact and recommendations of the hearing panel if the hearing was conducted before a hearing panel;
- g. Minutes of the meeting at which the governing board took action to expel the pupil, including the written findings of fact and expulsion order;
- h. Rules, regulations, and/or procedures adopted by the governing board relating to the conduct of the hearing on the question of the expulsion of a pupil; and
- i. A statement of whether there exists relevant and material evidence which, in the exercise of reasonable diligence, could not have been produced or which was excluded at the hearing before the governing board; if such evidence exists, a full description of it and reasons for exclusion.

It is your responsibility to provide the County Board a copy of the transcripts and supporting documents at your expense unless you can certify to the school district that you cannot reasonably afford the cost of the transcript because of limited income or exceptional necessary expenses, or both. If the County Board of Education reverses the expulsion and you have paid for these documents, the local school district will reimburse you for this expense.

3. File a suitable copy of the transcript and supporting documents with the Humboldt County Office of Education immediately thereafter, no later than 5 days before the County Board meeting.

Time is of the essence when filing appeals. The first two steps must be completed within 30 days following the decision of the school district governing board to expel.

Besides meeting the timelines, it is important that your “Appeal of Expulsion and Request for Hearing” form be fully completed and reflect a specific procedural or prejudicial error which you believe may have occurred. The Humboldt County Office of Education Administrative Regulation 5144.3 will help you understand the four (4) kinds of procedural and prejudicial errors upon which all appeals must be based (see “Scope of Review by County Board of Education” D.2). After reviewing the four (4) reasons for appealing an expulsion, write your specific concern(s) on the “Appeal of Expulsion and Request for Hearing” form. The County Board will not consider (1) matters unrelated to the expulsion, (2) matters unrelated to the four reasons for appeal, nor (3) matters that you do not include on the form.

The County Board understands that the process for filing an appeal is probably a new and complex experience which can be confusing. The written material enclosed in this packet have been designed to assist you in making a timely and appropriate appeal. The Humboldt County Office of Education staff is available to address your questions about the appeal process. If you believe your appeal requires the services of an advocate, you may engage an attorney or other advocate to present your case to the Board.

You are reminded that in order to conform to legal timelines, the “Appeal of Expulsion and Request for Hearing” form must be fully completed and in the physical possession by the Humboldt county Office of Education within thirty (30) days of the district’s action to expel.

Please feel free to call Lori Breyer, Humboldt County Office of Education School Support Coordinator, at (707) 445-7019 if you have any further questions.

Humboldt County Office of Education

Appeal of Expulsion and Request for Hearing

Must be filed within 30 calendar days of the district governing board's decision to expel.

DATE: _____

TO: HUMBOLDT COUNTY BOARD OF EDUCATION
Attn: Janine Melanson, 901 Myrtle Avenue, Eureka, CA 95501

In accordance with Education Code Sections 48919 – 48924 and the Humboldt County Board of Education Administrative Reg. 5144.3, an Expulsion Appeal Hearing is hereby requested.

(Please print or type)

Pupil's name: _____ Birthdate: _____ Grade: _____

Parent/legal guardian: _____

Address: _____

Telephone number (Home): _____ (Work): _____

Legal counsel or other designated representative of the pupil (if any):

Name: _____

Name of firm (if appropriate): _____

Address: _____

Phone: _____ Fax: _____

Name of School district: _____

Date governing board voted to expel: _____

What is your understanding of the reason your child was expelled?

Why are you appealing the expulsion?

Why should the county board reverse the decision to expel?

Note: The county board's review of the district governing board's decision shall be limited to the following bases for appeal (see "Scope of Review by County Board of Education" D.2 on page 2 of the HCOE Administrative Regulation 5144.3):

____ 1. The governing board acted without or in excess of its jurisdiction in expelling the pupil. (If applicable, state why you believe this is true).

____ 2. The pupil was not afforded a fair hearing before the district governing board. (If applicable, state why you believe this is true.)

____ 3. There was a prejudicial abuse of discretion by the governing board in the hearing. (If applicable, state what abuse occurred and how it prejudiced the case.)

____ 4. There is relevant evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the governing board. (If applicable, explain the circumstances and describe the nature of the new or improperly excluded evidence.)

Expulsion hearings are closed to the public unless you request a session open to the public.

____ I am requesting an open (public) session.

I hereby certify that I requested that the district provide a copy of the transcript of the expulsion hearing and supporting documents on _____.

I further certify that I have received and read the *HCOE Administrative Reg. 5144.3* and understand there are certain requirements with which I must comply in proceeding with this appeal.

I further certify that this information is true and correct to the best of my knowledge.

Signature of parent/legal guardian (or pupil, if 18 years or older)

Date

REQUEST FOR TRANSCRIPT AND SUPPORTING DOCUMENTS FROM SCHOOL DISTRICT

DATE: _____

TO: SUPERINTENDENT: _____

SCHOOL DISTRICT: _____

This is to inform you that I am filing an Appeal of Expulsion and Request for Hearing with the Humboldt County Board of Education relative to the district's expulsion of my child, _____. Education Code sections 48919 and 48921 require that I request from you a copy of the written transcripts of the expulsion hearing and supporting documents certified by you or the Clerk of the board to be a true and complete copy.

I understand that these documents will be provided within ten (10) school days of this request, provided my request is within 30 days of the district governing board's decision to expel and I have filed the Appeal of Expulsion and Request for Hearing with the Humboldt County Board of Education.

Your office may provide a copy of these documents to me or send a copy directly to the Humboldt County Board of Education. I am requesting that:

____ You inform me when these documents are ready and I will then arrange for them to be picked up and delivered to the Humboldt County Board of Education office immediately thereafter.

OR

____ You send a copy of the documents directly to the Humboldt County Board of Education, 901 Myrtle Avenue, Eureka, California 95501 to the attention of Janine Melanson.

You may contact me regarding this request at _____.

(Telephone Number)

Sincerely,

Signature

Print Name