

Legal Services

If you decide to retain legal counsel and choose to appear with an attorney, the Department of Child Welfare and Attendance must be notified at least three (5) days prior to the scheduled hearing.

Should you appear with an attorney without prior notification, the hearing will be postponed and rescheduled by the District.

In the event an attorney is present representing the referred party, the District will also be represented by legal counsel.

Hearing Recordings

All Expulsion Hearing Panels are audio recorded. A copy of the audio recording is available, upon your request, for fourteen (14) days after the Hearing is held.

AUDIO RECORDINGS ARE MAINTAINED FOR A LIMITED TIME

Witnesses

Character witnesses are allowed. You are limited to three (3) and the comments provided by character witnesses are restricted to the character of the student ONLY.

If a student character witness appears, the Department of Child Welfare and Attendance must have written permission from the student character witness' parents prior to the character witness' testimony. The District does not excuse school non-attendance of a student to be a character witness.

Hearing Considerations

The Expulsion Hearing Panel will make the following determinations:

1. What disciplinary action, if any, has been committed; and
2. If the student has committed an infraction, what is the appropriate consequence and educational placement.

The Panel must consider the nature of the offense, the student's disciplinary history for one calendar year prior to the recommendation for expulsion and the student's academic record and academic concerns as well as any District Regulations, and state or federal laws.

Hearing Outcome

If the Expulsion Hearing Panel determines that the student has committed the offense, the Panel may decide on:

1. permanent expulsion;
2. limited expulsion; or
3. a modified plan for school placement. *

The Expulsion Hearing Panel has three (3) working days to render a decision. The Hearing Officer will contact both parties when the decision is rendered. Hearing results will be conveyed via tele-phone and written letter of decision.

In most cases, a decision will be rendered the same date the hearing is held.

If the Panel decides to uphold the expulsion recommendation, you may appeal the decision to the Board of School Trustees' - if you do not agree with the Panel's decision.

If you decide to appeal the decision to the Board of Trustees, you must notify the Child Welfare and Attendance Department, in writing, no later than fourteen (5) days after the receipt of the decision of the Expulsion Hearing Panel.

The Expulsion Hearing Panel does not have authority to modify an mandatory offense, which includes battery of a school employee with injury, sale or distribution of a controlled substance, or possession of a firearm or dangerous weapon.

Information

DEPARTMENT OF CHILD WELFARE AND ATTENDANCE

If you have any questions regarding the Hearing process, please call the Child Welfare and Attendance Department at 209-331.7055.



<http://www.lodiUSD.net/>

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DEPARTMENT OF CHILD WELFARE AND ATTENDANCE

EDUCATION SERVICES DIVISION



Expulsion Hearing Panel Procedures for Parents

1305 E. Vine St.
Lodi, CA 95242



<http://www.lodiUSD.net>

Due Process Hearings

This brochure is designed to provide the referred party with information regarding the expulsion appeal process when an appeal is presented to the Expulsion Hearing Panel.

It is our intent to provide due process prescribed by the Lodi Unified School District and make you feel as comfortable as possible during the Hearing.

The objectives are to provide the referred party with:

1. an opportunity to state your case and provide any additional information you would like considered;
2. an opportunity to submit other evidence that may assist the Panel in its deliberations;
3. an understanding of due process rights; and
4. assistance with the educational placement of the student upon completion of the appeal process.

All attempts are made to expedite and bring closure to this matter as soon as possible.

***THE REFERRED STUDENT MUST BE IN
ATTENDANCE AT THE HEARING***

Temporary Placement

Students are eligible for placement in an alternative education program on a temporary basis pending the outcome of the Hearing.

Documents

A copy of the recommendation received from the school is provided to you.

Hearing Appointments

The Hearing will be conducted as scheduled unless a **written request for cancellation or postponement is received at least two (2) days prior to the scheduled Hearing**. Should you fail to appear, the decision of the Panel will be final. A Hearing can be rescheduled one (1) time only.

Hearing Non-Attendance

If you fail to appear for the Hearing, the Panel will proceed without your presence. Additionally:

1. All hearing rules will apply; and
2. The decision of the Expulsion Hearing Panel will be final.

Persons Involved in Hearings

The following persons are present at the Hearing:

1. Hearing Officer;
2. Representative(s) of the referring school;
3. Representative(s) of the referred party, including the referred student; and
4. Three (3) Hearing Panel members which may consist of administrators from secondary and elementary levels.

The Hearing Process

Following is a brief description of the Hearing format. The Hearing Officer will:

1. introduce all parties present and state the recommendation of the school;
2. request an opening statement from the school which focuses on why school administration is recommending expulsion;
3. request an opening statement from you. This statement usually focuses on the incident from your perspective. You are requested to state a proposed resolution;
4. allow the Panel members to ask questions. The Panel may question you, the referred student, any character witness(es), and school representative(s);
5. The Hearing Officer will request a closing statement from the school. The school administration should summarize the incident and the alleged violation of District Policies and Regulations; and then request a
6. closing statement from the referred party. This statement should focus on the incident in question and other information you would like considered. You should re-state the resolution requested of the Panel; and
7. dismiss all parties so the Panel may deliberate.

