

Morgan Hill Unified School District

Guidelines for Administrative Hearing Panel Members

To ensure a fair and effective discipline hearing, panel members may ask questions of any sworn-in participant during the hearing. Here are some questions to consider asking during the course of the hearing.

For the Student

- Can you tell me what the rules are at your school for (the violation)?
- Did you know that (violation) was wrong before you did it?
- Explain to me how your actions affected your school/peers/family/community?

For the School Administrators

Make sure that you (the panel members) clearly understand the “GRADE” for the expulsion referral. If you feel like one or more of these areas is not clearly prepared or presented, ask the administrator or his/her witness to clarify for you.

G = Grounds

- What are the **specific Ed Code violations** that caused the principal to refer the student for expulsion?
- Are these **mandatory** expulsion referrals (Big 5), **quasi-mandatory**, or **discretionary** offenses?

R= Related to school

- We must have an explicit statement of jurisdiction in the record.
- Has the administrator clearly stated that the incident took place:
 - While on school grounds
 - While going to or coming from school
 - During the lunch period whether on or off campus
 - During, or while going to or coming from, a school-sponsored activity
- Note that the misconduct does not have to take place at the student’s school or even with his/her own school district. If an incident happens in Gilroy (say one of our students vandalizes a GUSD school on a Saturday night during spring break) we can pursue discipline consequences.
- For mandatory “Big 5” expulsion recommendations, the incident had to have taken place **on school grounds or at a school activity off grounds.**

A = Additional Finding of Fact

For all expulsions except the Big 5 mandatory offenses, the school must prove

1. Other means of correction **are not feasible...**
 - a. Student intentionally violated known rule
 - b. Student knowingly committed a criminal act
 - c. Student states s/he knew the conduct was wrong but chose to do it anyway
 - d. Student comment of not caring about the consequences
2. **or have repeatedly failed** to bring about the proper conduct.
 - a. Corrective action tried for prior offenses
 - b. Details of variety and quantity of prior interventions

OR, the school must prove that

1. 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
 - a. Weapons or dangerous objects (possession or use)
 - b. Gang affiliation (including prior gang activity and offenses)
 - c. Drugs or intoxicants impairing judgment or restraint
 - d. Aggression, fighting or belligerence (prior violent acts)
 - e. Repeated willful defiance
 - f. Lack of judgment (careless creation of safety risks)

- g. Prior unsafe actions (such as reckless driving or horseplay)
- h. Number and type of prior offenses
- i. Victim's fear

D= Determination of Manifestation

- If a student receives services under Section 504 or an IEP, make sure that a manifestation determination was held and that the outcome is clearly communicated in the hearing.

E= Evidence

- We need substantial and relevant evidence in order to recommend the expulsion of a student.
- Perpetrator disagreement with other witnesses does not preclude substantial evidence being found.
- We need non-hearsay evidence for each fact
 - An admission directly from the student to a person who will testify in the hearing
 - Eyewitness testimony at the hearing

Expulsion Panel Recommendations

Following are some guidelines to use when completing your findings and making a recommendation about the term of expulsion and the rehabilitation plan.

48915 C Violations (Big 5)

- Must be referred to a county community school; cannot attend ANY district school for duration of expulsion.
- Term of expulsion must equal one calendar year from the time of expulsion (Board action)

48915 A Violations (Quasi-Mandatory)

- Usually an enforced (out of the district) expulsion; a suspended expulsion would really require some extenuating circumstances
- In addition to finding substantial evidence that the violation was committed, the panel must **ALSO** find that **either** a) other means of correction are not feasible **or**)b 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. (see above for more details)
- The usual term of expulsion is for the remainder of the semester in which the incident occurred, along with the entire following semester

48900 Violations (Discretionary)

- Can be an enforced (out of district) expulsion or a suspended (within district) expulsion.
- The usual term of expulsion is for the remainder of the semester in which the incident occurred, along with the entire following semester
- In addition to finding substantial evidence that the violation was committed, the panel must **ALSO** find that **either** a) other means of correction are not feasible **or**)b 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. (see above for more details)

Adapted from Mouser, Deanna "Making the GRADE ©" A Practical Guide to Student Discipline. (2015)