

Amendments Adopted: August 20, 1998  
Effective Date: September 2, 1998  
CSM-4456 Adopted: November 20, 1997  
CSM-4455 and 4463 Adopted: August 20, 1998  
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## AMENDMENT OF PARAMETERS AND GUIDELINES FOR PUPIL SUSPENSIONS

### CONSOLIDATED TO INCLUDE: EXPULSIONS AND EXPULSION APPEALS

#### *Pupil Suspensions from School - CSM-4456*

Education Code section 48911, subdivisions (b) and (e)  
Chapter 965, Statutes of 1977, Chapter 668, Statutes of 1978,  
Chapter 73, Statutes of 1980, Chapter 498, Statutes of 1983,  
Chapter 856, Statutes of 1985, and Chapter 134, Statutes of 1987

#### *Pupil Expulsions from School - CSM-4455*

Education Code Sections 489 15, subdivisions (a) and (b),  
48915.1, 48915.2, 48916 and 48918  
Chapter 1253, Statutes of 1975, Chapter 965, Statutes of 1977,  
Chapter 668, Statutes of 1978, Chapter 318, Statutes of 1982,  
Chapter 498, Statutes of 1983, Chapter 622, Statutes of 1984,  
Chapter 942, Statutes of 1987, Chapter 1231, Statutes of 1990,  
Chapter 152, Statutes of 1992, Chapter 1255, Statutes of 1993,  
Chapter 1256, Statutes of 1993, Chapter 1257, Statutes of 1993,  
Chapter 146, Statutes of 1994

#### *Pupil Expulsion Appeals - CSM-4463*

Education Code Sections 48919, 48921-48924  
Chapter 1253, Statutes of 1975, Chapter 965, Statutes of 1977,  
Chapter 668, Statutes of 1978, and Chapter 498, Statutes of 1983

## I. SUMMARY OF THE SOURCE OF THE MANDATES

### A. Pupil Suspensions from School

Chapter 965, Statutes of 1977, added former Education Code section 48903, subdivision (b) and imposed a new requirement for the teacher or supervisor who referred the pupil to the principal for suspension from school to participate in the pre-suspension conference between the pupil and the principal (or the principal's designee), whenever practical. Chapter 668, Statutes of 1978 and Chapter 73, Statutes of 1980, amended former Education Code section 48903, subdivision (b) and added "school employee " to the list of potential participants in the pre-suspension conference. Education Code section 48903 was repealed by Chapter 498, Statutes of 1983, and

substantially the same requirements were moved to new Education Code section 48911, subdivision (b). The 1983 amendment authorized the school superintendent to suspend pupils from school and to conduct the informal conference. In 1985, Chapter 856, Statutes of 1985 added a definition for the principal's designee.

Chapter 134, Statutes of 1987, amended Education Code section 489 11, subdivision (e), to add a new requirement for a school district employee to report the cause of a pupil's suspension to the school district governing board or superintendent.

Chapter 1255, Statutes of 1993, amended Education Code section 48915, subdivision (b), to add a new requirement for the principal or superintendent of a school district to immediately suspend "any pupil found to be in possession of a firearm, knife of no reasonable use to the pupil, or explosive at school or at a school activity off school grounds." Chapter 1256, Statutes of 1993, amended Education Code section 48918, subdivision (b), limiting the requirement for immediate suspensions to "any pupil found to be in possession of a firearm at school or at a school activity off school grounds. "

#### B. Pupil Expulsions

Chapter 498, Statutes of 1983 added and Chapters 1255 and 1256, Statutes of 1993 amended Education Code section 48915, subdivisions (a) and (b), which imposed a new requirement for school district principals and superintendents to recommend expulsion of pupils to their governing boards if the pupil committed one of the following offenses :

- ⌘ Causing serious physical injury to another person, except in self defense;
- ⌘ Possession of any firearm, knife, explosive, or other dangerous device of no reasonable use to the pupil at school or at a school activity off school grounds;
- ⌘ Unlawful sale of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of Health and Safety Code, except for the first offense for the sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis;
- Robbery or extortion.

Chapter 1255, Statutes of 1993 amended Education Code section 48915 adding a new requirement for governing boards to either expel or recommend admission to an alternative education program if a pupil was found to be in possession of a firearm, knife of no reasonable use to the pupil, or explosive at school or at a school activity off school grounds. This provision was in effect from October 11, 1993 through December 31, 1993. Chapter 1256, Statutes of 1993 amended Education Code section 489 15, subdivision (b), to limit expulsion or recommendation of an alternative education program to any pupil in possession of a firearm at school or at a school activity off school grounds. Chapter 1256 became effective on January 1, 1994.

Chapter 1253, Statutes of 1975, Chapter 965, Statutes of 1977, Chapter 668, Statutes of 1978, Chapter 318, Statutes of 1982, Chapter 498, Statutes of 1983, Chapter 1231, Statutes of 1990, and Chapter 146, Statutes of 1994, added or amended the new requirement found in Education Code section 48918 for school district governing

boards to adopt rules and regulations for the expulsion of pupils, which must include the specific procedures set forth in section 48918.

Chapter 1253, Statutes of 1975, Chapter 965, Statutes of 1977, and Chapter 123 1, Statutes of 1990, added or amended the new requirement found in Education Code section 48918, subdivision (b) for the school district to include in the written expulsion hearing notice to the pupil and the pupil's parent or guardian:

- (1) a copy of the disciplinary rules of the district that relate to the alleged violation;
- (2) notice of the parent's, guardian's or pupil's obligation pursuant to Education Code section 48915.1, subdivision (b), upon the pupil's enrollment in a new school district, to inform that district of the expulsion; and
- (3) notice of the right of the pupil or pupil's parent or guardian to inspect and obtain copies of all documents to be used at the expulsion hearing.

Chapter 1253, Statutes of 1975, and Chapter 1231, Statutes of 1990, added or amended the new requirement found in Education Code section 48918, subdivision (i) for school districts to send to the pupil or the pupil's parent or guardian:

- (1) written notice of any decision to expel or suspend enforcement of an expulsion order during a period of probation;
- (2) notice of the right to appeal the expulsion to the county board of education; and
- (3) notice of the parent's, guardian's or pupil's obligation pursuant to Education Code section 48915.1, subdivision (b), upon the pupil's enrollment in a new school district, to inform that district of the expulsion.

Chapter 965, Statutes of 1977 amended former Education Code section 48914, subdivision (g) to add a new requirement for the governing board to maintain a record of each expulsion, including the cause thereof. Chapter 498, Statutes of 1983 moved this provision to new Education Code section 48915, subdivision (j), and added a new requirement that the expulsion order and the causes therefore be recorded in the pupil's mandatory interim record and that this record be forwarded, upon request, to any school in which the pupil subsequently enrolls.

Chapter 489, Statutes of 1983, added Education Code section 48916, which imposed a new requirement for school district governing boards to set a date, not later than the last day of the semester following the semester in which the expulsion occurred, when an expelled pupil may apply for readmission. Section 48916 also requires school districts to adopt rules and regulations for the readmission procedure, and to make these rules and regulations available to the pupil and the pupil's parent or guardian when the expulsion order is entered.

Chapter 942, Statutes of 1987, added Education Code section 48915.1, which imposed a new requirement that school boards conduct a hearing if a pupil who was expelled from another school district poses a continuing threat to the school district's pupils or

employees. This section also required the expelling school district to respond to a request for information regarding a recommendation for expulsion by the receiving school district. Chapter 1231, Statutes of 1990 and Chapter 1257, Statutes of 1993, amended Education Code section 48915.1 and Chapter 1257, Statutes of 1993 moved the hearing requirements for pupils expelled for certain offenses from Education Code section 48915.1 to new Education Code section 48915.2.

### C. Pupil Expulsion Appeals

Chapter 1253, Statutes of 1975 added former Education Code sections 10609 through 10609.4 regarding expulsions and expulsion appeals. Chapter 1010 of the Statutes of 1976 reenacted the Education Code and renumbered these sections as Education Code sections 48915 through 48920. These sections were amended by Chapter 965 of the Statutes of 1977 and by

Chapter 668 of the Statutes of 1978. Chapter 498, Statutes of 1983 repealed all previous Education Code sections regarding expulsions and expulsion appeals and added new sections 48919 through 48924. These sections require county boards of education to: adopt rules and regulations establishing procedures for expulsion appeals; notify persons of the requirements for filing the appeal, notify the parties of the acceptance of the filed appeal, the date of the hearing, the requirement for the appellant to provide transcript of the school district expulsion hearing record, and the procedures for the conduct of the hearing; conduct the hearing within 20 schooldays and render a decision within 3 schooldays; remand the matter to the school district governing board, or conduct a hearing de novo if the county board of education determines that there is relevant and material evidence which should be considered; and notify the parties of the final and binding order. School districts are required participate in the county board appeal process.

## II. COMMISSION ON STATE MANDATES DECISIONS

### A. Pupil Suspensions

The Commission on State Mandates, in the Statement of Decision adopted at the December 19, 1996 hearing, determined that, limited to suspensions based upon (1) possession of a firearm (October 11, 1993 to present), and (2) possession of a knife or explosive October 11, 1993 to December 31, 1993), certain provisions of Education Code section 48911, subdivisions (b) and (e) impose a new program or higher level of service within the meaning of section 6, article XIII B of the California Constitution.

- ⌘ The attendance of the referring school employee in the pre-suspension conference between the principal (or designee or superintendent) and the pupil, whenever practicable. (Education Code section 48911, subdivision (b).)
- ⌘ A report of the cause of each school suspension to the district board (Education Code section 48911, subdivision (e).)

## B. Pupil Expulsions

The Commission on State Mandates, in the Statement of Decision adopted at the May 26, 1997 hearing, found that certain provisions of the following Education Code sections impose a new program or higher level of service for school districts within the meaning of section 6, article XIII B of the California Constitution:

- Education Code section 48915, subdivision (a), as added by Chapter 498/1983 and amended by Chapter 1255/1993 and Chapter 1256/1993;
- Education Code section 48915, subdivision (b), as amended by Chapter 1255/1993 and Chapter 1256/1993;
- Education Code section 48918 [opening paragraph and subdivisions (b), (i) and (j)] and its predecessor statutes as added by Chapter 1253/1975 and amended by Chapter 965/ 1977, Chapter 668/ 1978, Chapter 3 18/ 1982, Chapter 498/ 1983, Chapter 1231/1990, and Chapter 1460/994;
- Education Code section 48916, as added by Chapter 498/1983 and amended by Chapter 1521/1992;
- Education Code section 48915.1, as added by Chapter 943/1987 and amended by Chapter 1231/1990 and Chapter 1257/1993;
- Education Code section 48915.2, as added by Chapter 1257/1993.

The Commission further determined that certain of the foregoing sections imposed a new program or higher level of service only with respect to expulsion procedures instituted for the certain specified offenses.

## C . Expulsion Appeals

The Commission on State Mandates, in the Statement of Decision adopted at the March 27, 1997 hearing, found that certain provisions of Education Code sections 48919 and 48921 through 48924 impose a new program or higher level of service within the meaning of section 6, article XIII B of the California Constitution, for school districts and county boards of education to hear and decide pupil expulsion appeals.

The Commission determined that the following provisions applicable to all student expulsions appeals establish costs mandated by the state pursuant to Government Code section 17514 for county boards of education to:

- Adopt rules and regulations establishing procedures for expulsion appeals.
- Notify persons appealing a school district expulsion of the procedures for the conduct of the appeal, as part of the county board's notice to the pupil regarding the appeal.

- ⌘ Review the appeal and the record of the expulsion hearing conducted by the governing board (including the written transcript of the hearing and supporting documents).
- ⌘ Conduct the initial hearing on the appeal, if the county board of education decides in such hearing to grant a hearing de novo.
- ⌘ By either personal service or certified mail, notify the pupil and the school district of the final and binding order of the county board of education.
- ⌘ Preserve the record of appeal.

The Commission determined that, limited to those expulsions which were based upon Education Code section 48915(b) (as amended by Chapter 1255 of the Statutes of 1993 and Chapter 1256 of the Statutes of 1993), the following provisions establish costs mandated by the state pursuant to Government Code section 17514 for school districts to:

- ⌘ Provide copies of supporting documents and records from the district's expulsion hearing (other than the transcript) to a pupil or the pupil's parent or guardian, as follows :
- ⌘ If the requesting party is a pupil less than 18 years of age or the parent or guardian of a pupil who is 18 years of age or older, all documents; or
- ⌘ If the requesting party is the parent or guardian of a pupil under the age of 18, only those documents which are not "education records" as defined in 20 USC. section 1232g(a)(4).<sup>1</sup>
- ⌘ Participate in the initial appeal hearing at the county board of education, if the county board decides in such hearing to grant a trial de novo.
- ⌘ If the county board of education remands the matter to the school district, send notice of hearing, conduct the hearing and render a decision in the remand hearing.
- ⌘ If ordered by the county board of education, expunge the district's and the pupil's records of the expulsion.

### III. ELIGIBLE CLAIMANTS

Any "school district", as defined in Government Code section 17519, except for community colleges, which incurs increased costs as a result of this mandate is eligible to claim reimbursement

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<sup>1</sup>The Federal Education Rights and Privacy Act of 1974 ("FERPA") defines "education records" as those records, files, documents and other materials which (i) contain information directly related to a student, and (ii) are maintained by the school district or a person acting for the school district. 20 USC. section 1232g(a)(4)(B)) provides certain exceptions to the general definition (for example, records maintained by a law enforcement unit of a school district that were created by that law enforcement unit for the purpose of law enforcement).

#### **IV. PERIOD OF REIMBURSEMENT**

Section 17557 of the Government Code states that a test claim must be submitted on or before December 31 following a fiscal year to establish eligibility for that fiscal year. The test claims for these mandates were submitted on March 9, 1994, March 9, 1994 and September 22, 1994, respectively. Therefore, costs incurred on or after July 1, 1993 for compliance with the test claim statutes are eligible for reimbursement.

Actual costs for one fiscal year should be included in each reimbursement claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to section 17561(d)(1) of the Government Code, all claims for reimbursement of initial years' costs shall be submitted within 120 days of release of claiming instructions by the State Controller.

If the total costs for a given fiscal year do not exceed \$200, no reimbursement shall be allowed, except as otherwise provided for by Government Code section 17564.

#### **V. REIMBURSABLE ACTIVITIES**

For each eligible school district and county office of education, the direct and indirect costs of labor, materials and supplies, travel, and services incurred for the following mandate components are eligible for reimbursement:

##### **A. ADOPTION AND REVISION OF RULES AND PROCEDURES**

##### **1. County Boards of Education**

- (a) Adopting rules and procedures for expulsion appeal hearings and revising those rules and procedures to conform to amendments of the statutory hearing requirements.
- (b) Printing and disseminating rules and procedures to each school district in the county.

##### **2. School Districts and County Boards of Education**

- (a) Adopting rules and procedures pertaining to pupil expulsions and revising those rules and procedures to conform to amendments of the statutory requirements.
- (b) Adopting rules and regulations establishing the procedure for the filing and processing of requests for readmission pursuant to Education Code section 48916.
- (c) Printing and disseminating rules and procedures to each school site.

### **B. SUSPENSION CONFERENCE AND REPORT**

If the suspension is for one of the following offenses and the offense occurred within the following dates :

| Date of Offense                          | Offense  |
|--|--|
| October 11, 1993 to<br>December 31, 1993 | Possession of a firearm, knife of no reasonable use to the student or explosive. |
| January 1, 1994 to Present               | Possession of a firearm.”  |

Then the following activities are reimbursable:

#### 1. Attendance at Informal Conference

The attendance of the teacher, supervisor or other school district employee who referred the pupil to the principal for suspension in the pre-suspension conference between the principal (or principal's designee) or superintendent and the pupil.

#### 2. Reporting the Cause to the District Office

Reporting the cause of the suspension to the school district's superintendent or governing board in accordance with the regulations of the school district's governing board. Such report may be oral or written.

### **C. RECOMMENDATION OF EXPULSION**

The preparation of a report to the school district governing board concerning the principal's or superintendent's recommendation to expel a pupil for the following offenses :

- ⌘ Causing serious physical injury to another person, except in self defense;
- ⌘ Possession of any firearm, knife, explosive, or other dangerous device of no reasonable use to the pupil at school or at a school activity off school grounds;
- ⌘ Unlawful sale of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of Health and Safety Code, except for the first offense for the sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis; or
- ⌘ Robbery or extortion.

<sup>2</sup> Note that Chapter 972, Statutes of 1995 (effective January 1, 1996) re-lettered section 48915, subdivision (b) as section 48915, subdivision (c) and added activities for which suspensions are required. This Chapter is the subject of another test claim



#### **D. EXPULSION HEARING PROCEDURAL REQUIREMENTS**

If the expulsion hearing is for one of the following offenses:

- ⌘ Causing serious physical injury to another person, except in self defense;
- ⌘ Possession of any firearm, knife, explosive, or other dangerous device of no reasonable use to the pupil at school or at a school activity off school grounds;
- ⌘ Unlawful sale of any controlled substance listed in Chapter 2 (commencing with Section 1053) of Division 10 of Health and Safety Code, except for the first offense for the sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis; or
- ⌘ Robbery or extortion.

Then the following activities are reimbursable:

1. Including in the notice of hearing to the pupil:
  - (a) a copy of the disciplinary rules of the district that relate to the alleged violation;
  - (b) a notice of the parent's, guardian's or pupil's obligation, pursuant to Education Code section 48915.1, subdivision (b), to notify a new school district, upon enrollment, of the pupil's expulsion; and
  - (c) notice of the opportunity for the pupil or the pupil's parent or guardian to inspect and obtain copies of all documents to be used at the hearing.
2. Allowing a pupil or pupil's parent or guardian to inspect and obtain copies of documents to be used at the expulsion hearing, as follows:
  - (a) If the requesting party is a pupil less than 18 years of age or the parent or guardian of a pupil who is 18 years of age or older, all documents; or
  - (b) If the requesting party is the parent or guardian of a pupil under the age of 18, only those documents which are not "education records" as defined in 20 U. S .C . section 1232g(a)(4).

### E. POST-EXPULSION PROCEDURES

If the expulsion hearing is for one of the following offenses and the offense occurred within the following dates:

| Date of Offense                          | Offense  |
|--|--|
| October 11, 1993 to<br>December 31, 1993 | Possession of a firearm, knife of no reasonable use to the student or explosive. |
| January 1, 1994 to Present               | Possession of a firearm. <sup>3</sup>  |

Then the following activities are reimbursable:

1. Sending written notice to the pupil or the pupil's parent or guardian of: (a) any decision by the governing board to expel or suspend the enforcement of an expulsion order during a period of probation; (b) the right to appeal the expulsion to the county board of education, and (c) the obligation of the pupil, parent or guardian under Education Code section 489 15.1 to notify a new school district, upon enrollment, of the pupil's expulsion. Costs of postage for mailing the notice is reimbursable under this activity.
2. Maintaining a record of the expulsion, including the cause of the expulsion;
3. Recording the expulsion order and the cause of the expulsion in the pupil's mandatory interim record; and
4. Forwarding the student's mandatory interim record to any school in which the pupil subsequently enrolls upon the request of such school.

### F. READMISSION PROCEDURES

If the governing board expelled a pupil for one of the following offenses and the offense occurred within the following dates:

| Date of Offense                          | Offense  |
|--|--|
| October 11, 1993 to<br>December 31, 1993 | Possession of a firearm, knife of no reasonable use to the student or explosive. |
| January 1, 1994 to Present               | Possession of a firearm. <sup>4</sup>  |

<sup>3</sup> Note that Chapter 972, Statutes of 1995 (effective January 1, 1996) re-lettered section 48915, subdivision (b) as section 48915, subdivision (c) and added activities for which suspensions are required. This Chapter is the subject of another test claim

<sup>4</sup> Note that Chapter 972, Statutes of 1995 (effective January 1, 1996) re-lettered section 48915, subdivision (b) as section 48915, subdivision (c) and added activities for which suspensions are required. This Chapter is the subject of another test claim

Then the following activities are reimbursable:

1. Setting a date when the pupil may apply for readmission to a district school; and
2. Providing a description of the procedure for readmission to the pupil and the pupil's parent or guardian.

**G. APPLICATION BY EXPELLED PUPIL TO ATTEND NEW DISTRICT**

If a pupil ("applicant") seeking application to a school district (the "receiving school district") has been expelled by another school district for one of the following offenses as specified below, and the receiving school district does not have a voluntary interdistrict transfer agreement with the expelling district,

| Date of Offense                      | Offense  |
|--------------------------------------|--|
| July 1, 1993 to<br>December 31, 1993 | <ul style="list-style-type: none"> <li>• Causing serious physical injury to another person, except in self defense ;</li> <li>• Possession of any firearm, knife, explosive, or other dangerous device of no reasonable use to the pupil at school or at a school activity off school grounds;</li> <li>• Unlawful sale of any controlled substance listed in Chapter 2 (commencing with Section 1053) of Division 10 of Health and Safety Code, except for the first offense for the sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis; or</li> <li>• Robbery or extortion.</li> </ul> |
| January 1, 1994 to Present           | For any offense.   |

Then the following activities associated with the receiving district's hearing are reimbursable, as specified below:

1. Including in the notice of hearing to the applicant: (a) a copy of the hearing procedure rules of the receiving district; and (b) notice of the opportunity for the applicant or the applicant's parent or guardian to inspect and obtain copies of all documents to be used at the hearing.
2. Allowing an applicant or applicant's parent or guardian to inspect and obtain copies of documents to be used at the admission hearing, as follows:

- (a) If the requesting party is an applicant less than 18 years of age or the parent or guardian of an applicant who is 18 years of age or older, all documents; or
  - (b) If the requesting party is the parent or guardian of an applicant under the age of 18, only those documents which are not “education records” as defined in 20 U.S.C. section 1232g(a)(4).<sup>5</sup>
3. Determination by the governing board whether a pupil expelled by another school district would pose a danger to the pupils and employees of the receiving district and whether to admit, deny admission, or conditionally admit the pupil during or after the period of expulsion.
  4. Maintaining a record of each admission denial, including the cause of the denial.
  5. Notifying the applicant and the applicant’s parent or guardian of the governing board’s determination of whether the applicant poses a potential danger to the pupils or employees of the receiving district and whether to admit, deny admission, or conditionally admit the applicant during or after the period of expulsion.

#### **H. RESPONDING TO REQUESTS FOR RECOMMENDATIONS**

If the governing board expelled a pupil for one of the following offenses and the offense occurred within the following dates:

| Date of Offense                          | Offense  |
|--|--|
| October 11, 1993 to<br>December 31, 1993 | Possession of a firearm, knife of no reasonable use to the student or explosive. |
| January 1, 1994 to Present               | Possession of a firearm!   |

and the expelled student applies for admission to another school district (the “receiving district”) then, unless the expelling district entered into a voluntary interdistrict transfer agreement with the receiving district, the activities of the expelling district in responding to the receiving district’s request for a recommendation regarding the admission of the applicant are reimbursable.

<sup>5</sup> See footnote 1.

<sup>6</sup> Note that Chapter 972, Statutes of 1995 (effective January 1, 1996) re-lettered section 48915, subdivision (b) as section 48915, subdivision (c) and added activities for which suspensions are required. This Chapter is the subject of another test claim

## **I. EXPULSION APPEAL HEARINGS**

### 1. County Boards of Education (applicable to all student expulsion appeals)

#### (a) Providing Notice to the Parties

- (1) Notifying the pupil and the pupil's parent(s) or guardian(s) of the procedures for the appeal.
- (2) Notifying the school district and pupil in writing of the final order of the county board of education, either by personal service or certified mail.

#### (b) Review of Hearing Record

Reviewing the filed appeal and the transcript and record of the hearing conducted by the school district governing board.

#### (c) Conducting Hearings

Conducting the initial appeal hearing and rendering a decision. Reimbursement for this component is limited to appeals for which the county board of education decides to grant a hearing de novo.

#### (d) Preserving Records

Preserving the record of appeal.

### 2. School Districts

If the governing board expelled a pupil for one of the following offenses and the offense occurred within the following dates:

| Date of Offense                          | Offense  |
|--|--|
| October 11, 1993 to<br>December 31, 1993 | Possession of a firearm, knife of no reasonable use to the student or explosive. |
| January 1, 1994 to Present               | Possession of a firearm. <sup>7</sup>  |

Then the following activities are reimbursable:

#### (a) Providing Copies of Documents

- (1) Providing copies of supporting documents and records from the district's expulsion hearing (other than the transcript) to a pupil who is less than 18 years of age.

<sup>7</sup> Note that Chapter 972, Statutes of 1995 (effective January 1, 1996) re-lettered section 489 15, subdivision (b) as section 48915, subdivision (c) and added activities for which suspensions are required. This Chapter is the subject of another test claim

- (2) Providing copies of supporting documents and records from the district's expulsion hearing (other than the transcript) to a pupil who is 18 years of age or older, or to the parent or guardian of a pupil who is less than 18 years of age, if the documents or records are not "education records" as defined in 20 U.S.C. section 1232g(a)(4).<sup>8</sup>

(b) Participation In Hearings

Participation by a school district in the county board of education's hearing on appeal if the county board of education grants a hearing de novo.

(c) Remand Hearing

If the county board of education remanded the expulsion to the school district's governing board following an appeal, sending notice of the hearing, conducting a hearing on remand, and rendering a decision in the remand hearing.

(d) Expunging Records

Expunging the school district's and pupil's records concerning the expulsion, when ordered by the county board of education.

J. TRAINING

Training school district personnel about the mandated suspension, expulsion, and expulsion appeal activities. This reimbursable component includes the labor time of administrators and other school district personnel involved with preparation of training sessions and the labor time of administrators and other school district personnel who conduct or attend training sessions. Labor time for teachers is not reimbursable. The cost of materials and supplies used or distributed in training sessions is reimbursable under this component.

VI. CLAIM PREPARATION

Each reimbursement claim for costs incurred to comply with these mandates must be timely filed and set forth a listing of each cost element for which reimbursement is claimed under this mandate. Claimed costs must be identified to each reimbursable component/activity identified in Section V. of this document.

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<sup>8</sup> See footnote 1.

## SUPPORTING DOCUMENTATION

Claimed costs should be supported by the following information:

### A. Direct Costs

Direct costs are defined as costs that can be specifically traced to goods, services, units, programs, activities, or functions.

#### 1. Employee Salaries and Benefits

Identify the employee(s) and their job classification, describe the mandated functions performed, and specify the actual number of hours devoted to each function, the productive hourly rate, and the related benefits. The average number of hours devoted to each function may be claimed if supported by a documented time study.

Reimbursement for personal services includes compensation paid for salaries, wages, and employee fringe benefits. Employee fringe benefits include regular compensation paid to an employee during periods of authorized absences (e.g. annual leave, sick leave) and employer's contribution for social security, pension plans, insurance, and workers' compensation insurance. Fringe benefits are eligible for reimbursement when distributed equitably to all job activities which the employee performs.

#### 2. Materials and Supplies

Only expenditures which can be identified as a direct cost of these mandates can be claimed. List cost of materials and supplies which have been consumed or expended specifically for the purposes of these mandates. Purchases shall be claimed at the actual price after deducting cash discounts, rebates and allowances received by the claimants. Supplies that are withdrawn from inventory shall be charged based on a recognized method of costing, consistently applied.

#### 3. Contracted Services

Give the name(s) of the contractor(s) who performed the service(s). Describe the activities performed by each named contractor, and give the number of actual hours spent on the activities. Show the inclusive dates when services were performed and itemize all costs for those services.

#### 4. Travel

Travel expenses for mileage, per diem, lodging, and other employee entitlements are reimbursable in accordance with the rules of the local jurisdiction. Provide the name(s) of the traveler(s), purpose of the travel, inclusive dates and time of travel, destination points, and travel costs.

## B. Indirect Costs

1. School districts must use the J-380 (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the California Department of Education.
2. County offices of education must use the J-580 (or subsequent replacement) non restrictive indirect cost rate provisionally approved by the California Department of Education.

## VII. SUPPORTING DATA

For auditing purposes, all costs claimed must be traceable to source documents and/or worksheets that show evidence of the validity of such costs. Pursuant to Government Code section 17558.5, these documents must be kept on file by the agency submitting the claim for a period of no less than two years after the later of (1) the end of the calendar year in which the reimbursement claim is filed, or (2) if no funds are appropriated for the fiscal year for which the claim is made, the date of initial payment of the claim. These documents must be made available on the request of the State Controller.

## VIII. DATA FOR DEVELOPMENT OF THE STATEWIDE COST ESTIMATE

The State Controller is directed to include in her claiming instructions the request for claimants to send an additional copy of the completed test claim specific form for each of the initial years' reimbursement claims by mail or facsimile to the Commission on State Mandates, 1300 I Street, Suite 950, Sacramento, CA 95814, Facsimile Number: (916) 445-0278. Although providing this information to the Commission on State Mandates is not a condition of reimbursement, claimants are encouraged to provide this information to enable the Commission to develop a statewide cost estimate.

## IX OFFSETTING SAVINGS AND OTHER REIMBURSEMENTS

Any offsetting savings the claimant experiences as a direct result of this statute must be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source, e.g., service fees collected, federal funds, other state funds, etc., shall be identified and deducted from this claim.

## X. REQUIRED CERTIFICATION

An authorized representative of the claimant will be required to provide a certification of claim, as specified in the State Controller's claiming instructions, for those cost mandated by the state contained herein.