

MADERA COUNTY BOARD OF EDUCATION

Expulsion Appeal Handbook

To assist expelled pupils and their parents or guardians to understand the appeal process and the rights of the pupil



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Madera County Superintendent of Schools
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One of the duties and responsibilities of the Madera County Board of Education is to hear expulsion appeals from districts under its jurisdiction. These include:

Alview-Dairyland Union School District (K–8)

Bass Lake Joint Union Elementary School District (K–8)

Chawanakee Unified School District (TK–12)

Chowchilla Elementary School District (TK–8)

Chowchilla Union High School District (9–12)

Golden Valley Unified School District (TK–12)

Madera Unified School District (TK–12)

Raymond-Knowles Union School District (TK–8)

Yosemite Unified School District (TK–12)

This handbook was prepared by the Madera County Superintendent of Schools and adopted by the Madera County Board of Education on July 14, 2026.

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Introduction

The Madera County Board of Education has prepared this handbook to assist expelled pupils and the parents or guardians of expelled pupils to understand the appeal process and the rights of the pupil. A thanks is given to the Sacramento County Office of Education for permission to use their format. This handbook constitutes the official procedures adopted by the Madera County Board of Education (County Board) for conducting expulsion appeals.

The County Board is committed to an objective review of and deliberation upon appeals of pupils expelled from local school districts.

This information must be reviewed in conjunction with the laws on pupil discipline and expulsion appeals within the California Education Code, Sections 48900-48927. You must also review the school district's policies and administrative procedures for suspension and expulsion. Remember, you are entitled to review the record of the school district's hearing and supporting records or documents. You have the right to consult with, and engage the services of, an advocate or an attorney.

Purpose of an Appeal

The County Board has limited authority under law to review the procedures followed by the school district prior to expelling a student to determine whether (1) it complied with the Education Code, (2) "due process" was afforded, and (3) there is evidence to support the local governing board's findings and decision supporting the expulsion.

- The issues that the County Board may consider are described more fully in this Handbook under "Hearing Scope and Limitations" (page 7).
- The County Board **meeting to hear the appeal is not a new hearing to consider evidence about whether the student should have been expelled.** The purpose of the appeal hearing is to listen to arguments as to whether the local school district followed proper procedure. The County Board will "hear" new evidence only in unusual circumstances.
- The County Board has no authority to agree or disagree with the local school district governing board's decision to expel, nor does it have the authority to modify the expulsion on the basis that the penalty was too harsh for the misconduct.

The County Board's review of the appeal may result in:

- upholding the expulsion decision.

- reversing the decision and returning the student to attend school in the local district as well as expunging the record of the expulsion.
- returning the case to the local school district to either consider additional evidence or revise the factual findings.

The County Board's decision will address only expulsion issues. It will not review or order any change in the student's suspension pending expulsion.

When Appeal May Be Filed with Madera County Board of Education

The Parent of the expelled student may file an appeal with the County Board within 30 calendar days of the date following the school district governing board's decision to expel the student.

- "Parent" also includes guardian or legal counsel on behalf of the Parent. The student may also file an appeal independently of their Parents.
- The 30-day period starts on the first day after the date in which the school district governing board takes action even if notice of the decision is not mailed to the Parent immediately. The appeal must be physically received by (not just mailed to) the Madera County Superintendent of Schools (MCSOS) within the 30-day period. If the deadline is on a Saturday, Sunday or a holiday observed by MCSOS, the appeal may be filed the next school day.
- Only the governing board of a school district may expel a student. The principal of the student's school or the superintendent of the school district may only recommend the expulsion to the governing board. A hearing officer or an administrative panel may conduct the expulsion hearing, develop findings of fact, and make a recommendation to the governing board. However, there is no expulsion until the school district governing board takes formal action to expel.
- An expulsion or a suspended enforcement of the expulsion (where the student is returned to school with conditions of probation) may be appealed. The 30-day timeline applies from the initial suspended enforcement of the expulsion decision, not at a later date if the student's suspended enforcement of the expulsion order is revoked for violating probation.

Late Filing of an Appeal

The County Board has no jurisdiction to consider an appeal that is filed late. An appeal filed after the 30-day deadline will be returned with a cover letter indicating that the appeal was not processed.

Questions Regarding Filing an Appeal

Inquiries about filing an appeal should be directed to MCSOS at (559) 662-3870 or sent via email to jgirado@mcsos.org. MCSOS staff will answer questions, clarify the procedures outlined in this Handbook, and may also contact the administration of the local school district that implemented the expulsion to obtain information regarding the expulsion.

Note: Contacting MCSOS with questions or a request to file an appeal does not constitute the filing of an appeal and has no impact on the deadline for filing an appeal.

Expulsion Appeal Submissions

Any of the following methods may be used to submit the Notice of Appeal to the Madera County Board of Education:

1. Personal Delivery:
Madera County Superintendent of Schools
1105 South Madera Avenue, Madera, CA 93637
2. U.S. Mail:
Superintendent of Schools
Madera County Superintendent of Schools
1105 South Madera Avenue, Madera, CA 93637
3. Email: jgirado@mcsos.org or etorres-barton@mcsos.org

Required Information in the Expulsion Appeal

The written notice of appeal must contain the following information:

- The name, address, and date of birth of the expelled student.
- The name(s), address(es), and telephone number(s) of the person(s) submitting the appeal. (The person submitting the appeal is/are referred to as the “appellant.” This is usually the Parent(s) or Guardian(s) of the student and the person(s), if any, representing the student.)
- The school district, school, and grade from which the student was expelled.
- A copy of the notice of expulsion sent by the local school district.
- The date of the school district governing board’s decision to expel and the effective date of the expulsion.

- A copy of the appellant's written request to the expelling school district to prepare a transcript of the district expulsion hearing.
- A brief statement or set of statements which explains why, in the appellant's opinion or belief, the decision of the school district governing board should be reversed. The statement(s) must relate to one or more of the conditions described in this Handbook under "Hearing Scope and Limitations" (page 7). It is the appellant's responsibility to explain as clearly as they can and provide specific information about why they believe the school district governing board's decision should be reversed.
- Identifying New Evidence: The appellant must clearly indicate whether they plan to offer new evidence not raised during the original expulsion hearing and describe such evidence. See "Hearing Scope and Limitations" (page 7) for a discussion of new evidence.

Parents are encouraged to use the "Expulsion Appeal and Request For Hearing" form in this Handbook in lieu of writing a letter (see Addendum C).

Transcript and Supporting Records of Original Expulsion Process

Parent's Responsibility to File Request for Transcript and Supporting Documents of Expulsion Hearing:

The Parent is responsible for immediately requesting from the local school district a transcript of the expulsion hearing and a copy of all documents beginning with the first date of suspension.

- When the Parent files the appeal with the County Board, they must submit to the expelling school district a written request for a copy of the written transcript of the expulsion hearing and all supporting documents or records. A "Request for Transcript and Supporting Documents" form is provided in Addendum D.
- The Parent shall file a copy of the request for transcript with the County Board at the same time as the filing of the appeal.

The Parent must pay the local school district for the cost of preparing the transcript and copies of supporting documents or records except:

- Where the Parent certifies to the school district that they cannot reasonably afford the cost of preparing the transcript because of limited income or exceptional necessary expenses, or both. The "Certification of Inability to Afford Cost of Transcript" form is provided in Addendum E.
- In a case where the County Board reverses the decision of the school district governing board, the County Board shall require that the school district

governing board reimburse a Parent who has paid for the cost of preparing the transcript and supporting documents or records.

Local School District's Responsibility to Prepare Expulsion Hearing Transcript:

The local school district is responsible for preparing an accurate verbatim transcript of the expulsion hearing, and copies of all hearing exhibits and correspondence regarding the suspension and expulsion. This includes documentation reflecting the findings of fact and recommendation of the panel conducting the hearing and the governing board's action on the recommendation.

Within 10 school days following the Parent's written request for the transcript, the school district shall prepare two copies of the transcript, supporting documents, and records. The school district shall mail one copy of these documents directly to MCSOS with a second copy mailed to the Parent, unless the Parent has requested to pick up their copy.

Setting Hearing Date for Appeal

Once the written transcript of the expulsion hearing and copies of the supporting documents or records have been filed with the MCSOS, the Madera County Superintendent of Schools (County Superintendent) will schedule a hearing date for the County Board to consider the appeal.

- The County Board will hold a hearing within 20 school days following receipt of the transcript and supporting documents prepared by the school district unless the Parent or the school district requests a postponement.
- Either the Parent or the school district may request a postponement by submitting a written request that includes the reason for delay to the County Board at least 5 calendar days prior to the hearing. The request for postponement shall be acted upon by the County Superintendent after determining whether the request is based upon good cause. If the request is not granted, the hearing will remain calendared on the scheduled date.
- Both the Parent and the school district will be mailed notice of the hearing date after MCSOS' receipt of the transcript and supporting documents from the district. The notice will specify the date, time, and place of the hearing. The County Board holds regular meetings each month at MCSOS (1105 South Madera Avenue, Madera, California). The County Board may schedule a special meeting on a different date to hear the appeal depending upon its regular business.
- Parents are required to keep MCSOS informed of any changes to their mailing address during the appeal process. Failure to secure a hearing notice or other

mail sent to the last known address shall not constitute grounds to cancel the hearing.

The hearing will be held in Closed Session unless the Parent requests an Open (public) Session in writing either by an indication in the space provided on the “Expulsion Appeal and Request for Hearing” form (Addendum C) or by a separate written request filed with MCSOS at least 5 calendar days prior to the hearing date.

Failure to Appear at Appeal Hearing

Participation at the appeal hearing is required. If a Parent or representative of a student fails to appear at the hearing after filing an appeal, the County Board will dismiss the appeal without considering its merits.

Filing Written Arguments Prior to Hearing

Following receipt of the transcript and supporting documents, MCSOS will establish a timeline for the appellant (i.e. the Parent or person representing the student) and the school district to submit a written argument to MCSOS. Failure to timely submit the written argument may result in the County Board not considering it.

The Parent shall provide the school district with a copy of their argument by in-person delivery, email, or first-class mailing postmarked no later than the date the Parent’s argument is filed.

Likewise, the school district shall provide the Parent with a copy of its argument by in-person delivery, email, or first-class mailing postmarked no later than the date the school district’s argument is filed.

Hearing Binder

Prior to the hearing, MCSOS will make the hearing binder available, which will include information submitted during the appeal process. Use of the binder is very important in preparing for the appeal hearing.

The binder will contain the following:

- School district’s expulsion appeal record
- Transcript of school district governing board’s expulsion hearing
- MCSOS correspondence
- Parent’s expulsion appeal submission and written argument
- School district’s written argument
- Madera County Board of Education expulsion appeal policy and Handbook
- California Education Code laws regarding student discipline

MCSOS will consecutively number all pages in the binder. Both parties are encouraged

to refer to the page numbers assigned by MCSOS rather than using any pre-existing page numbers. Consistently referring to MCSOS page numbers will assist the County Board members in following the written arguments and presentation.

Hearing Scope and Limitations

The County Board decides an appeal after:

- Reviewing the expulsion record that consists of the transcript and documents considered at the school district's expulsion hearing;
- Considering the issues raised by the Parent in the appeal, issues apparent from the record itself, and the school district's arguments; and
- Determining which issues it has authority under law to address.

The County Board's charge is to determine if the student's due process rights were violated in a manner that resulted in the student receiving an unfair hearing. It is the charge of the County Board to ensure that procedures were followed and that a fair hearing was conducted, not to agree or disagree with the school district governing board's decision to expel the student.

New Evidence

A request to offer new evidence must be noted when filing the Notice of Appeal.

The County Board will hear no "evidence" other than the information already contained in the binder to be used at the appeal hearing. That information should consist only of witness testimony, written witness statements, documents considered at the school district's expulsion hearing, official school district records documenting the suspension, correspondence, and the appeal documents.

- Examples of "evidence" which may not be raised for the first time at appeal:

Additional information about the facts surrounding the student's misconduct; the student's prior good behavior; or incidents occurring during the district's investigation of the misconduct if the information was known or available prior to the original expulsion hearing. These examples of evidence should have been offered at that hearing rather than on appeal.

- Examples of proper "argument" to raise at the appeal hearing in support of an issue raised in the appeal:

"The student denied being present when the school property was stolen during the investigation of the incident and during their testimony at the expulsion hearing. (See testimony, page ____, and witness statement, page ____.) No

other non-hearsay evidence exists in the record to support the finding of fact that they participated in the theft.” All the evidence being referred to in this statement was already presented at the expulsion hearing, and therefore, is not new evidence. (Note: The page numbers above refer to documents in the binder.)

Exception to Considering New Evidence:

There is one very limited exception that would allow the County Board to consider new evidence. If the Parent proposes to offer new evidence, the County Board will either allow an explanation of what the new evidence is and what issue it relates to (called an “offer of proof”) or will review the documentary evidence in question.

The County Board will vote to allow new evidence to be offered only if a majority of the members find that the evidence qualifies as:

- Relevant and material evidence which, in the exercise of reasonable diligence, could not have been produced at the school district expulsion hearing; or
- Relevant and material evidence which was improperly excluded at the school district expulsion hearing; and further, that
- The evidence, if received, would be a significant factor in determining the outcome of an issue in the case over which the County Board has jurisdiction to decide. (Ed. Code, § 48922.)

If the County Board votes to hear new evidence, it may:

- Remand (send back) the matter to the school district governing board for reconsideration, along with any instructions that the County Board may deem necessary, which may include reconsideration of the entire matter or any part thereof. The County Board may also order the student reinstated pending the reconsideration; or
- Grant a new hearing (a hearing de novo) before the County Board upon reasonable notice to all parties and in conformance with regulations of the County Board.

Legal Issues That May Be Considered

The County Board’s review of the case shall be limited to the following four questions. While these questions are phrased in “legal terminology,” based on Education Code section 48922, there are many factual issues that fall within these questions.

Question 1: Did the school district governing board act without or in excess of its jurisdiction?

Explanation:

The California Education Code spells out the reasons for which a student may be expelled, the timelines that must be met during expulsion proceedings, and the relationship that must exist between the misconduct and the school activities or attendance. If any of the laws on these subjects were not complied with by the local school district, the final action to expel by the district governing board may have been in “excess of its jurisdiction.”

Example:

- Was the offense for which the student was expelled one of the “grounds” for expulsion authorized by state law or local board rule? A student may not be expelled unless the offense is an expellable offense under the California Education Code.
- Did the situation involve conduct related to a school activity or to school attendance?
- Was the expulsion hearing commenced and a final decision issued within the time limits prescribed by law?

NOTE: The school district does not have jurisdiction to expel a student receiving special education services unless the special education meetings and procedures established by law preceding expulsion have been completed. Contact the school district with questions.

Question 2: Was there a “fair hearing” before the governing board?

The word “fair” is a legal term. It does not mean fair in the everyday sense of “fair play” or “fair treatment.” The County Board does not have authority to overturn an expulsion because another student received a suspension while your student was expelled arising from the same incident.

Explanation:

The school district is required to provide the Parent with timely notice of a hearing; allow the Parent to hear and examine all evidence submitted; and provide the Parent a reasonable opportunity to present evidence to deny, explain, or mitigate the allegations. (Ed. Code, §§ 48911(g), 48918.) Although only the governing board may take action to expel, the board may appoint an administrative panel or hearing officer to hear the case, develop “findings of fact”, and make a recommended decision to the governing board. Thus, an administrative panel or hearing officer may conduct the required fair hearing on

behalf of the governing board, after which the governing board must approve the decision at a subsequent regular meeting.

Example:

- Was the student denied the right to be represented by an advocate or by legal counsel?
- Was the student prohibited from introducing testimony of witnesses on their behalf?
- Was the evidence submitted in support of the expulsion the kind of evidence upon which reasonable persons are accustomed to rely upon in conduct of serious affairs?
- Was there a failure to introduce any evidence to support the decision to expel?
- Was the student or the student's representative, if any, given an opportunity to confront and question any witnesses who testified at the hearing except as provided in Education Code section 48918(f)?
- Was the Parent adequately advised of their rights to fully participate in the hearing?

Question 3: Was there a “prejudicial abuse of discretion” in the hearing (or in the processing of the expulsion)?

Explanation:

Abuse of Discretion - An abuse of discretion (although not necessarily a prejudicial abuse) would be established under any of the following circumstances:

a. If the school district governing board did not proceed with the expulsion in the manner required by law.

A school district's violation of any statute governing the expulsion process which is not “jurisdictional” may still constitute an abuse of discretion.

Example:

- The hearing panel member is from the same school as the student. (Ed. Code, § 48918(d)).
- The Parent received notice of the hearing less than 10 days in advance of the hearing. (Ed. Code, § 48918(b)).

- The notice of the hearing does not state the specific facts and charges upon which the proposed expulsion is based. (Ed. Code, § 48918(b)).
- Governing board issues the expulsion decision with no date set to consider re-admission of the student. (Ed. Code, § 48916(a)).

b. If the decision to expel is not supported by the findings prescribed by Education Code section 48915.

Factual Findings - A “finding” must be written in the expulsion decision describing the conduct the student engaged in that is a basis for the expulsion. The finding must spell out the facts (where, when, what) sufficiently to verify that the student engaged in misconduct. The finding must be based upon evidence provided during the expulsion hearing, not information provided to the panel members or governing board members at another time.

Example:

- Correct Factual Findings

Student brought a knife to school on 09/12/22. Student took the knife out of their backpack and showed it to two other students during third period class.

- Incorrect Factual Findings

Student violated Education Code section 48900(b) by bringing a dangerous weapon to school.

Additional Findings - The law establishes five types of misconduct for which expulsion is “mandatory”: firearms, brandishing a knife, selling drugs, sexual assault, and possession of explosives. (Ed. Code, § 48915(c).) For all other types of misconduct, the governing board must also find either of the following facts:

- **Other means of correction are not feasible or have repeatedly failed to bring about proper conduct; or**

Example:

- The student is being expelled for a fight that injured another student. The student has previously been warned, parent conferences have been held, and the student has received counseling for previously attempting/ threatening to cause physical injury to another person. These corrections have failed to change the student’s behavior. (Ed. Code, §§ 48900(i), 48915(e)(1)).

- **Due to the nature of the violation (misconduct), the presence of the student causes a continuing danger to the physical safety of the student or others.**
 - This finding requires the school district to consider all relevant facts in determining whether the student is a continuing danger, including the student's character, and not just consider the act itself. (*Natomas Unified School Dist. v. Sacramento County of Education* (2022) 86 Cal.App.5th 1013).

The County Board has the option to return the case to the local district if it determines that the “findings of fact” are inadequate, but the evidence does exist in the record to support proper findings. Upon remand, the local school board would be required to revise the findings of fact consistent with the direction of the County Board. The second decision would be appealable again. As an example, the County Board might return a case where the school board issued the (wrong) finding listed above and direct the school board to correct the finding.

c. If the “findings of fact” made following the hearing are not supported by the evidence.

Misconduct must be proven by reliable “first-hand” evidence offered during the expulsion hearing. Such evidence may consist of testimony by a witness who observed the misconduct, an admission of the student involved, or in certain cases, by statements made and/or written down at the time the misconduct occurred and determined to be reliable. All other statements made outside the hearing are considered “hearsay” evidence. Misconduct may not be proven solely by hearsay evidence, although hearsay evidence may be offered to support other reliable evidence.

- The finding that a student started a fight was not proven where the only evidence offered at hearing was by the vice principal who testified that they talked to another student who said, “Student A started the fight.” Neither Student A nor the other student testified during the hearing.
- A written witness report from a yard duty aide is “hearsay” and was insufficient to prove that a student smoked marijuana where no other “direct” or “first-hand” evidence was offered at the hearing.

d. Abuse of discretion must be “prejudicial.”

The County Board must find that an abuse of discretion was “prejudicial” to the outcome of the expulsion decision in order to overturn a decision. If an error occurred or a statutory requirement was only partially complied with, the violation must have a substantial impact on the process or decision to be “prejudicial.”

Example:

- The Parent received the notice of hearing 2 days late but had plenty of time to prepare for the hearing. The Parent attended the hearing and made no showing at the hearing that the late notice affected their participation. Abuse of discretion was not prejudicial.
- The notice of hearing was sent to the wrong address. The Parent was never notified of the hearing and did not attend. The hearing was held anyway, and the student was expelled for misconduct. The Parent objected as soon as they learned that the hearing had been held. (The abuse was prejudicial to the right to participate in the hearing).

Question 4: Is there relevant and material evidence which, in the exercise of reasonable diligence, could not have been produced or was improperly excluded at the hearing before the governing board (or the administrative panel)?

See “New Evidence” (page 7).

Conducting the Appeal Hearing

Closed Session

Expulsion appeals are heard by the County Board in Closed Session, unless the Parent requests, in writing, an Open Session hearing. In Closed Session, only the Parents, the Parent/Student representative, the student, and representatives of the local school district are permitted in the room with the County Board members and their staff. In an Open Session hearing, any member of the public may attend the hearing.

Hearing Procedure

The County Board President, or the designated presiding officer for the hearing, will call the hearing to order and describe the hearing procedures. Each person in the room will be asked to identify themselves for the record. The hearing will be recorded.

The Parent (or the Parent’s representative) will be asked to indicate whether they noted on the expulsion appeal form a request to offer “new evidence” as part of the appeal hearing. If so, the County Board will listen to an “offer of proof” and decide whether new evidence should be allowed. (See page 7)

Next, the Parent will be asked by the County Board President to present an opening statement. This is an opportunity for the Parent to identify the issues in the appeal and to provide background and argument in support of the appeal.

The representative of the school district will be asked to make a statement reflecting the school district’s position and will be allowed an equal amount of time as the Parent.

It is important at this point to remain focused upon the record of the expulsion hearing contained in the binder provided to each participant and on the following four questions over which the County Board has authority to rule:

- 1. Whether the governing board acted without or in excess of its jurisdiction;**
- 2. Whether there was a fair hearing before the district governing board;**
- 3. Whether there was a prejudicial abuse of discretion in the hearing; and**
- 4. Whether there is relevant and material evidence that in the exercise of reasonable diligence could not have been produced or was improperly excluded at the hearing before the local district governing board.**

The Parent need not be concerned about making a polished presentation, but it is important to prepare the presentation in advance. Having notes or a prepared script may be of great help.

Issues Raised by County Board Members

During and after each presentation, members of the County Board may ask questions of the Parent and of the school district's representative(s). County Board members may raise issues during the hearing based upon their own review of the hearing record. The appeal decision may be based upon these issues even if they are not raised by the Parent. Examples of issues commonly raised by County Board members are:

- Has the additional finding been made that either (1) the student has received other forms of corrections which have not been effective; or (2) the student presents a danger to the physical safety of others or themselves because of the nature of the misconduct? (Ed. Code, § 48915(e)).
- If such finding has been made, has the school district described the evidence in the record that supports the finding?
- Was the misconduct proven by evidence that shows first-hand knowledge, or which is not hearsay (or an exception)?

The Parent and the school district representative should review the entire hearing record contained in the binder prior to attending the hearing and be prepared to discuss any issue raised at the appeal hearing.

County Board Deliberation

When the presentations and questioning have ended, the County Board will either retire to another room to deliberate or excuse from the Board Room all present except the

County Board, the County Board's legal counsel, the Madera County Superintendent, and any necessary staff. No representative of the school district or the Parent will be allowed to attend the deliberations.

In making its decision, the County Board will not:

- Substitute its judgment for the judgment of the school district governing board.
- Reverse a school district governing board's decision because of technical inadequacies in the hearing process unless it first determines that the error was prejudicial.
- Consider evidence other than that contained in the record of the proceedings of the school district governing board except as noted in these rules.

County Board Decision

After deliberating, the County Board will reconvene in Open Session and may announce its decision. As the County Board consists of 7 members, 4 affirmative votes are required to reverse an expulsion decision by a local school district governing board irrespective of the quorum present at the appeal hearing. If the County Board enters a decision reversing the school board's decision, the County Board may direct the school board to expunge the record of the student and the records of the district of any references to the expulsion action, and the expulsion shall be deemed not to have occurred.

Although the County Board must render a written decision within 3 school days of the hearing, it usually renders its verbal decision on the day of the hearing. The Parent and the governing board of the school district will be notified of the rationale and decision of the County Board, in writing, either by personal service or by certified mail. The order shall become final if and/or when rendered verbally. (Ed. Code, § 48924.)

ADDENDUM A

Board Policy 9630 – Expulsion Appeals

BYLAWS OF THE BOARD

9600 APPEALS

9630 – EXPULSION APPEALS

Expulsion Appeals

MCBE BB 9630

The Madera County Board of Education (County Board) recognizes the implementation of student discipline is within the authority of local school districts. The County Board is given the legal responsibility of serving as the appeal body to safeguard the rights of students who are subjected to expulsion.

The County Board shall hear expulsion appeals pursuant to the procedures provided in Education Code section 48919 through 48924.

The Madera County Board of Education will hear and resolve expulsion appeals for pupils who have been expelled by local district governing boards and the student/parent or guardian files an appeal to the County Board of Education. The County Board of Education shall hold a hearing thereon and render its decision. The order shall become final when rendered. The decision of the County Board of Education shall be final and binding upon the pupil and upon the governing board of the school district. Such appeals must be made in writing within thirty (30) days following the decision to expel by the local district governing board.

The County Board is given authority by law to adopt rules and regulations establishing procedures for expulsion appeals. In an effort to make such legal procedures “user friendly,” the County Board has reviewed and adopted the contents of the Expulsion Appeal Handbook dated July 2026. The Handbook is established as an administrative regulation to govern expulsion appeals filed with the County Board.

Legal Reference:

Policy reference disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Education Code

48914 Meeting with Parent or Guardian of Pupil

48915 Conduct for Expulsion

48917 Governing Board Responsibilities

48918 Governing Board Procedures
48919 Expulsion to County Board of Education
48920 County Board; Manner of Hearing Expulsion Appeal
48921 Expulsion Appeal to County Board of Education; Transcripts
48922 County Board-scope of Review
48923 Decision of County Board
48924 Finality of County Board Decision
48925 Key Definitions
<u>Code of Civil Procedure</u>
1094.5 (b/c)

Adopted: December 18, 1989

Revised and Renumbered: September 14, 2021

Review: July 14, 2026

ADDENDUM B

Expulsion Appeal Hearing Timeline and Process

STEP 1 – Within 30 calendar days of date after school district expulsion:

Parent files expulsion appeal with Madera County Board of Education/MCSOS.

STEP 2 – Concurrently with submission of expulsion appeal:

Parent submits written request to School District for the expulsion hearing transcript and completes “Inability to Pay” form if applicable. Parent provides a copy of the request to MCSOS.

STEP 3 – Within 10 school days after receipt of request from Parent:

School District submits a transcript of the expulsion hearing and other pertinent documents, including attendance registers, discipline actions, grades, etc., to Parent and MCSOS.

STEP 4 – After MCSOS’ receipt of transcript and other records:

MCSOS sets appeal hearing, establishes schedule for submitting written arguments, and mails notice of the hearing and schedule to Parent and School District.

STEP 5 – Within timeframe established by MCSOS:

Parent submits to MCSOS their written argument and/or documents not previously delivered to MCSOS.

STEP 6 – Within timeframe established by MCSOS:

School District submits to MCSOS its written argument and/or documents not previously delivered to MCSOS.

STEP 7 – Before appeal hearing:

MCSOS prepares appeal binder that includes all information submitted and makes it available to the Parent, Student, School District, County Board, and Legal Counsel.

STEP 8 – As scheduled by the County Board:

Expulsion appeal hearing is conducted in Closed Session (unless Open Session is requested by Parent at least 5 days in advance). An Open Session appeal hearing is open to the public.

STEP 9 – Immediately following the appeal hearing:

Closed Session deliberation by County Board.

STEP 10 – Immediately following the appeal hearing:

County Board decision may be announced by its President in Open Session following Closed Session deliberation.

STEP 11 – Within 3 school days after hearing:

County Board’s written decision is mailed to Parent, School District, County Board Members, and Legal Counsel via certified mail.

ADDENDUM C (Notice of Appeal)

Expulsion Appeal and Request for Hearing

This Notice of Appeal shall be submitted to the Madera County Board of Education (County Board) within 30 calendar days following the date of expulsion. Complete the information requested below (print or type – attach additional pages if necessary):

STUDENT INFORMATION:

Name of Student (First and Last): _____

Birthdate: _____ Grade: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

School District: _____ School: _____

Date Local School Board Voted to Expel: _____

☐ **PARENT/S** or ☐ **GUARDIAN/S INFORMATION** (Check one box):

First and Last Name: _____ Phone No.: _____

First and Last Name: _____ Phone No.: _____

ATTORNEY INFORMATION:

First and Last Name: _____ Phone No.: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Reason(s) for expulsion given by the local school board. (If possible, attach a copy of the Notice of Expulsion.) _____

Expulsion Appeal and Request for Hearing

Why should the expulsion be set aside? (Attach documentation to support, if any.)

NOTE: An expulsion may be appealed only on one or more of the following grounds:

1. The local school board proceeded without or in excess of its jurisdiction. (If applicable, state briefly why you believe this is true [see page 9]).

2. The local school board failed to provide a fair hearing. (If applicable, briefly state why you believe this is true [see page 9]).

3. There was a prejudicial abuse of discretion in the hearing as described in Education Code section 48922. (If applicable, state what abuse occurred and how it prejudiced the case [see page 10]).

4. There is new, relevant evidence that could not have been produced at the time of the hearing, or there was relevant evidence that was improperly excluded at the hearing. (If applicable, briefly describe the nature of the improperly excluded evidence or new evidence [and explain why the new evidence could not be submitted at the district's hearing]. [see page 7]).

Hearing Type Requested (Check one box below):

☐ Closed to public session ☐ Open to public session

SIGNATURE (of Parent/Guardian/Adult Student Filing Appeal)

NOTE: Only one (1) copy of this Expulsion Appeal and Request for Hearing is required to be filed with the Madera County Board of Education (County Board). The County Board will prepare a copy for the local school district. If you have not already received a copy of the procedures for completing your appeal, please notify the Madera County Superintendent of Schools as soon as possible by calling (559) 662-3870.

RETURN COMPLETED FORM TO:

Dr. Elisa Torres-Barton, Assistant Superintendent
Madera County Superintendent of Schools
1105 South Madera Avenue
Madera, CA 93637

ADDENDUM D

Request for Transcript and Supporting Documents

This letter must be received by the school district superintendent's office on the date you file the Expulsion Appeal and Request for Hearing with the Madera County Board of Education.

Date: _____

District Superintendent's Name: _____

School District Name: _____

School District Address: _____

Re: Request for Transcript and Supporting Documents from School District

I am filing an Expulsion Appeal and Request for Hearing with the Madera County Board of Education (County Board) relative to the district's expulsion of my child, _____ [Student's Name].

Education Code sections 48919 and 48921 require that I request from you a transcript of the school district's expulsion hearing, supporting documents, and records that are certified by you or by the Clerk of the school district's governing board to be a true and complete copy.

I understand that these records will be prepared within 10 school days of this request and my filing of the Expulsion Appeal and Request for Hearing with the County Board, provided my appeal is within 30 calendar days of the decision to expel by the school district governing board. The County Board requires that you mail one copy of the complete record (i.e., transcript and documents) to the Madera County Superintendent of Schools and provide me with a copy. I am requesting (check one box and complete):

☐ A copy of the records may be sent directly to me at the following address:

OR

☐ You can contact me immediately at _____ [my phone number] when these records are ready, and I will arrange for them to be picked up at your office.

Sincerely,

SIGNATURE (Parent/Guardian)

PRINT NAME (Parent/Guardian)

ADDENDUM E

Certification of Inability to Afford Cost of Transcript

Date: _____

District Superintendent's Name: _____

School District Name: _____

School District Address: _____

Re: Certification of Inability to Afford Cost of Transcript

This is to inform you that I, parent of _____
[Student's Name] for the reasons listed below, cannot reasonably afford the cost of the
district's expulsion hearing transcript. I request that the transcript be provided to me
without cost because of:

Limited income (explain):

Exceptional necessary expenses (explain):

Sincerely,

SIGNATURE (Parent/Guardian/Adult Student Filing Appeal)