

Fresno Unified Administrative Regulation (AR) 5119

Students Expelled From Other Districts

Hearings and notices related to the enrollment of students expelled from other districts shall be conducted in accordance with expulsion procedures, consistent with Education Code 48918. (Education Code 48915.1, 48915.2)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

No student shall be enrolled until after the term of their expulsion if they were expelled for any of the following acts: (Education Code 48915, 48915.2)

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence.
2. Brandishing a knife at another person.
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058.
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code 48900 (n).
5. Causing serious physical injury to another person, except in self-defense.
6. Possessing any knife, explosive or other dangerous object of no reasonable use to the student.
7. Unlawfully possessing any controlled substance, as listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for possessing not more than one ounce of marijuana, other than concentrated cannabis.
8. Robbery or extortion.
9. Assault or battery upon a school employee as defined in Penal Code 240 and 242.

Enrollment During the Term of Expulsion

If a student has been expelled for an act other than those specified in Education Code 48915 (a) or (c), the parent/guardian shall, upon enrollment, inform the receiving district of the student's status with the previous district. (Education Code 48915.1)

A student expelled for acts other than those specified in Education Code 48915 (a) or (c) may be admitted during the term of expulsion when the Governing Board determines at a hearing that the student does not pose a potential danger to district students or employees. The student shall be admitted provided that, subsequent to the expulsion, the student either has established legal residence in the district or has enrolled as part of an interdistrict agreement. However, if such a student is found to pose a potential danger, the Board may deny enrollment for the remainder of the expulsion period. (Education Code 48915.1)

If the student or parent/guardian neglects to inform the district that the student was expelled from their previous district for an act other than those listed in Education Code 48915 (a) or

(c), the Board shall record and discuss this lack of compliance during the hearing. (Education Code 48915.1)

The Administrative Hearing Panel and the Board in making its final determination may consider the following options:

1. Deny enrollment
2. Permit enrollment
3. Permit conditional enrollment in a regular education program or another education program.

Fresno Unified School District does not harass, intimidate, or discriminate on the basis of race, color, ethnicity, national origin, immigration status, ancestry, age, creed, religion, political affiliation, gender, gender identity or expression or genetic information, mental or physical disability, sex, sexual orientation, parental or marital status, military veteran status, or any other basis protected by law or regulation, in its educational program(s) or employment.

Regulation FRESNO UNIFIED SCHOOL DISTRICT
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